

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84413 of 2023

Arising Out of PS. Case No.-846 Year-2023 Thana- BARACHATTI District- Gaya

Nadim Khan, Son Of Late Khalil, Resident Of Village- Nagga Patti
Nagalpatti, Ps- Vilashpur, Distt- Yamuna Nagar (Haryana)

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union Of India Through The Narcotic Commissioner, New Delhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh, Advocate

For the Opposite Party/s : Mr.Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Barachatti P.S. Case No.846/2023 lodged on 07.09.2023 under
Section 18, 20 and 22 of the Narcotic Drugs and Psychotropic
Substances Act, 1985.

3. As per the prosecution case, the FIR has been
lodged against three named accused persons including the
present petitioner alleging therein that in course of vehicle
check on the basis of secret information one vehicle was
intercepted. On search being made, from the said vehicle 1 Kg
Doda powder kept under the driving seat has been recovered.



Subsequently, the driver and cleaner of the vehicle have been arrested.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The petitioner was travelling in the said vehicle as a cleaner and his role was only to assist the driver of the vehicle. Moreover, the recovered material Doda powered is weighing 1 kg which is an small quantity as per the NDPS material. However, he is ready to fulfill all the conditions whatsoever shall be imposed upon him. The petitioner is in custody since 09.09.2023 having no criminal antecedent.

4. Learned counsel for the State opposes the prayer for bail.

5. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, NDPS Act, Gaya, in connection with Barachatti P.S. Case No.846/2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

Ashwini/-

U		T	
---	--	---	--

