

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3678 of 2024

Arising Out of PS. Case No.-720 Year-2023 Thana- PURNEA SADAR District- Purnia

Md. Iqbal @ Ikabalh, Son of Late Md. Habib, Resident of Kabristan Tola,
Rahmat Nagar, P.S. - Sadar, District - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Adv.

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 29-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Special
Case No. 112 of 2023 arising out of Sadar P.S. Case No. 720 of
2023 instituted for the offences under Sections 8(c)/21(b) of the
Narcotic Drugs and Psychotropic Substance Act, 1985.

3. As per prosecution case, the police has recovered 15
grams Brown Sugar/Smack which was kept in a plastic pot
inside the cash-box of betel shop, 41 pieces glazed paper,
Aluminum paper foil from the shop of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case due to village politics. He further submits that
nothing incriminating has been recovered from the conscious
possession of the petitioner. Charge-sheet has been submitted in



this case and the petitioner has no criminal antecedent.

5. Learned counsel for the petitioner further submits that the quantity of Brown Sugar/Smack recovered is just above the small quantity and much below the commercial quantity and, hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is also no compliance of Section 42 and 50 of the N.D.P.S. Act.

6. The petitioner is languishing in judicial custody since 21.08.2023.

7. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

8. Considering the entire facts and circumstances of the case and taking into account the period of custody as also the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Special Case No. 112 of 2023 arising out of Sadar P.S. case No. 720 of 2023, subject to following conditions;

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the



Court below and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

(ii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

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