

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6427 of 2025

Arising Out of PS. Case No.-118 Year-2024 Thana- ABADPUR District- Katihar

Afsar Ali S/O Seruddin @ Sientu Resident of village - Nalsar Ward No.- 3,
P.S- Abadpur, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Bimal Kumar, Advocate Mr. Vidyanshu Sumit, Advocate
For the Opposite Party/s :	Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Abadpur P.S. Case No. 118 of 2024 registered on 22.11.2024 for the alleged offences under Sections 21(a)(b), 22 (a)(b) and 27(a) of the N.D.P.S., Act.

3. As per prosecution case, recovery of 2.35 gram of smack was made from the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The quantity recovered from the petitioner is below the small quantity notified by the Government. Nothing incriminating has been recovered from the person or possession of this petitioner. Moreover, recovered quantity of smack, i.e.



2.35 gram, comes under the purview of small quantity. Petitioner was arrested merely on suspicion. There is clear violation of Section 50 of N.D.P.S. Act as search and seizure was not done in the presence of any Gazetted Officer. The petitioner is in custody since 22.11.2024 and charge-sheet has been submitted. Petitioner is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the recovery of less than small notified quantity of contraband and further considering the clean antecedent of the petitioner as well as his period of custody and submission of charge-sheet, the petitioner above named is directed to 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 learned Sessions Judge, Katihar/concerned court in connection with N.D.P.S. Case No. 95 of 2024 arising out of Abadpur P.S. Case No. 118 of 2024, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of



the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

7. Let the matter be placed before Hon'ble the Acting Chief Justice for consideration and for corrective measures on administrative side since refusal of bail by the trial courts in such cases involving small/less than small quantity of contraband puts unnecessary and completely avoidable burden on the precious time of the High Court.

(Arun Kumar Jha, J)

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