

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9873 of 2025

Arising Out of PS. Case No.-11 Year-2024 Thana- NAKARDEI District- East Champaran

Sheikh Karmullah @ Faider Son of Late Sheikh Akbar Miyan @ Sheikh Akbar Resident of Village- Sirisiya, P.S.- Nakardehi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 25-02-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with N.D.P.S. Case No. 107 of 2024 arising out of Nakardei P.S. Case No. 11 of 2024 instituted for the offences under Sections 317(5) of the B.N.S. and Sections 8(c)/21(b) of the N.D.P.S. Act and Section 13 of the F.E.M.A. Act.

3. As per prosecution case, the police has recovered 102 gram Smack like substance as also 10 gram brown Sugar like narcotic substance from the house of the petitioner. The police has also recovered Nepali and Indian currency from there. Apart from the aforesaid, the police has also recovered some mobiles, watch and other material and seized the same.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case with false and frivolous allegations. The petitioner has not committed any offence as alleged in the F.I.R. Learned counsel for the petitioner has canvassed that the quantity of contraband article recovered from the house of the petitioner is less than the commercial quantity and, hence, Section 37 of the N.D.P.S. Act is not attracted in the present case. The petitioner has been in custody since 23.09.2024 and has three criminal antecedents and, in all the cases, he is on bail. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. There is also non-compliance of Section 103 of the B.N.S.S.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. The petitioner has three criminal antecedents.

6. Having considered the rival submissions of the learned counsel for the parties and taking into account the aforesaid seized quantity of contraband being less than the commercial quantity, the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail, ***after framing of charge if not already framed***, 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 N.D.P.S. Case No. 107 of 2024 arising out of Nakardei P.S. Case No. 11 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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