

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9840 of 2025

Arising Out of PS. Case No.-608 Year-2024 Thana- MOHANIYA District- Kaimur (Bhabua)

Md. Sarfraz Rayeen Son of Md. Bakridu Rayeen Resident of village- ward
No 7 Stumar Ganj Mohania, PS. -Mohania District -Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey

For the Opposite Party/s : Mr. Chaubey Jawahar

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL ORDER

3 09-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection with Mohania P.S. Case No. 608 of 2024 registered for the offence punishable under sections 8(c)/21 (C) of the NDPS Act.

3. As per allegation in the FIR, on the alleged date of occurrence on getting secret information police party proceeded towards place of occurrence and apprehended three accused persons. On search following items were recovered from their possession:

(i) 40 ample of Buprenorphine Injection (each 2 ml.)

(ii) 40 ample of Pheniramine, Maleate Injection (each containing 2 ml)

(iii) 38 Dispo Van needle



4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this Case. He was neither arrested from the spot nor anything recovered from his conscious possession. No local person was made as a witness of the seizure list rather seizure list witnesses are police personnel. There is complete violation of provision of Section 50 of the NDPS Act. It has been further submitted by learned counsel for the petitioner that in seized articles, actual contraband narcotic substance will come as merely 24 mg. whereas, commercial quantity is 20 gram. The recovered article comes in the purview of small quantity. Petitioner has got no criminal antecedent and languishing in judicial custody since 11.09.2024.

5. Learned APP appearing for the State has opposed the prayer of Bail. On behalf of prosecution counter affidavit has also been filed in which recovered article has been shown as small quantity.

6. Having heard learned counsel for the parties and considering the period of custody undergone by the petitioner, this court is inclined to enlarge him on bail **after framing of charge**. The above named petitioner is directed to be enlarged



on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Court of Sessions Judge-cum-Special Judge, Kaimur at Bhabua in connection with Mohania P.S. Case No. 608 of 2024 with following conditions:

(i) One of the bailors should be close relative of the petitioner.

(ii) Petitioner shall co-operate in the trial and shall be present on each and every fixed date and on his absence on two consecutive dates without sufficient reason, his bail bonds may be cancelled by the learned trial Court.

(S. B. Pd. Singh, J)

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