

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11803 of 2025

Arising Out of PS. Case No.-222 Year-2024 Thana- INDUSTRIAL District- Bhagalpur

Md. Sahabuddin @ Subiya @ Sahabuddin Son of Late Siraj Resident of
Village- Fatehpur Makeri Tola, P.S.- Industrial Area, Distt.-Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

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

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

ORAL ORDER

4 27-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Industrial Area P.S. Case No. 222 of 2024 registered for the offences punishable under Section 22 of Narcotic Drugs and Psychotropic Substance Act, 1985 and under Section 18(c) and 27 of the Drugs and Cosmetic Act, 1940.

3. As per the prosecution story, the informant being a police official has alleged that on 15.12.2024, he got secret information about smuggling of intoxicant medicine/drug being taken place in the house of Md. Shahabuddin (petitioner). When he reached for the verification of the same, he saw the one person threw a suspicious article in the toilet tanker and tried to



flee away but the said person was apprehended and upon interrogation, he disclosed his name as Md. Shahabuddin. On further query, he stated that he threw intoxicant tablet. Thereafter, the informant with the help of rope and net took out the suspicious article from the toilet tanker, which was three leaf of NITRAZEPAM TABLETS I.P whose trade name is NITRACURE-10 batch no. T19418 and seven leaf of NITRAZEPAM TABLETS I.P whose trade name is NITRACURE-10 batch no. is not clear. Total 130 tablets were recovered. Accordingly recovered article was seized and seizure list was prepared.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case merely on the basis of suspicion, ulterior motive, dirty village politics, malice and grudge. Total quantity of 1 gram of Nitrazepam, which is a Psychotropic substance is being used for manufacturing of 100 tablets and entry no. 221 of schedule provides that 20 grams of Nitrazepam is considered as small quantity and 500 grams of Nitrazepam is considered as commercial quantity as such the recovered quantity of tablet will come under the purview of much lesser than small quantity. In the present case Rule 14 of NDPS Act 2022 has not been



followed, as the procedure of seizure, storage, sampling and disposal has not been followed by the competent authority.

5. In para 7 of counter affidavit filed by learned Additional Public Prosecutor, it is mentioned that the recovered article is much lesser than the small quantity.

6. Keeping in view the aforesaid facts and considering the period under custody, let the petitioner, above named, be released on bail **after framing of charge** 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, Bhagalpur in connection with Industrial Area P.S. Case No. 222 of 2024 subject to the following conditions :-

(i). Petitioner will remain physically present in trial on each and every date till the disposal of the case failing which, on two consecutive dates without reasonable cause, the bail bond of the petitioner may be cancelled by the Trial Court.

(ii). One of the bailor shall be his family member.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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