

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19601 of 2025

Arising Out of PS. Case No.-1399 Year-2024 Thana- MADHEPURA District- Madhepura

Md. Pravej Alam @ Pravej Alam, S/O Md. Moin, R/O Village- Sabaila Tole,
Dighara, Ward No 16, P.S- Ghailarh, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shailendra Kumar Singh, Advocate Mr. Deepak Kumar Singh, Advocate Ms. Kumari Rashmi, Advocate
For the Opposite Party/s	:	Mr.Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Madhepura P.S. Case No. 1399 of 2024, registered for the alleged offence under Sections 8(c) & 21(b) of NDPS Act.

3. As per prosecution case, police received secret information about two persons bringing large quantity of intoxicating substance from West Bengal. The petitioner and co-accused were apprehended and from possession of co-accused Sumit Kumar, recovery of 100 gram of smack was made.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. The petitioner was merely a passerby and has nothing to do with the recovery made from the co-accused, who is only a co-villager of the petitioner. The petitioner was apprehended merely on suspicion. Moreover, recovery of smack from the co-accused comes below the commercial quantity. The petitioner is in custody since 13.12.2024 and is having no criminal antecedent. The charge sheet has been submitted against the petitioner and co-accused without obtaining the FSL report and such submission of charge sheet is bad in the eyes of law.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the petitioner in conspiracy with other co-accused has been carrying contraband smack.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from this petitioner and further considering his clean antecedent and his period of custody and also considering the submission of charge sheet without any FSL report, 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, Madhepura/concerned



court, in connection with Madhepura P.S. Case No. 1399 of 2024, subject to the conditions mentioned in Section 480 (3) of BNSS 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.

(Arun Kumar Jha, J)

V.K.Pandey/-

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