

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22827 of 2025

Arising Out of PS. Case No.-194 Year-2024 Thana- Sahayak Khajanchi District- Purnia

Md. Mustaque @ Md. Mustak, aged about 28 years, Male, S/o Md. Laik,
resident of Village- Aina Mahal (Gulabbagh), P.S.- Sadar, District- Purnea
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 23-07-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Sahayak Khazanchi PS Case No.194 of 2024 dated 04.09.2024, giving rise to Special Case No.155 of 2024 instituted for the offence punishable under Sections 8(c), 21(b) of the NDPS Act.

3. The allegation is of recovery of 25 grams Brown Sugar (Smack) like substance kept in three packets and wrapped in white colored plastic in a plastic packet, one countrymade pistol, two live cartridges concealed under a bed from a tenanted room where the petitioner and co-accused Suman Mandal @ Karu Mandal were found to be sleeping. One motorcycle was also recovered.

4. Learned counsel for the petitioner submits that



nothing incriminating has been recovered from conscious possession of the petitioner. Further submission is that the quantity of alleged Brown Sugar (Smack) is said to be 25 grams which is more than small quantity but less than commercial quantity. It is also submitted that the recovered motorcycle belongs to the brother of the petitioner. Further submission is that similarly situated co-accused Suman Mandal @ Suman Kumar Mandal @ Karu Mandal has been granted bail by a co-ordinate Bench of this Court by order dated 06.02.2025 passed in CR. Misc. No.5293 of 2025. Lastly, it is submitted that the petitioner is in custody since 05.09.2024 and five criminal cases are pending against him. Charge-sheet has been submitted in the case.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the Special Judge, NDPS Act, Purnea, in Sahayak Khazanchi PS Case No.194 of 2024 giving rise to Special Case No.155 of 2024, subject to the conditions (i) that the petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail, and (v) that the petitioner within two weeks after his release from the judicial custody shall appear before the SHO of local PS along with a copy of this order and thereafter shall appear every fortnightly before him to mark his attendance till the framing of charge in the present case.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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