

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23534 of 2025

Arising out of PS. Case No.-7 Year-2025 Thana- LAUKAHI District- Madhubani

Shamsuddin Momin, S/o Ajimuddin Momin, R/o Village- Nayagram, Maheshpur, P.S.- Kaliachak, District- Maldah (West Bengal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

For the Opposite Party/s: Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 13-05-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

2. The petitioner seeks bail in connection with Laukahi P.S. Case No. 07 of 2025 (G.R. No. 02 of 2025) instituted for the offences under Sections 8, 21 and 22 of the NDPS Act. He has no criminal antecedent.

3. The allegation upon the petitioner is that he was apprehended by the police during patrolling along with one other co-accused, Md. Mistar and it is stated that 100 grams of brown sugar was recovered from the pocket of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case and the allegation of recovery of 100 grams brown sugar has been levelled against the petitioner and from the perusal of



the seizure-list it would be evident that the mandatory provision of Section 50 as well as Section 42 of NDPS Act has not been followed. It is further submitted by learned counsel for the petitioner that from the seizure-list it is evident that only one motorcycle has been shown to have been recovered from the petitioner. It is also submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious possession of the petitioner and commercial quantity of brown sugar happens to be 250 gramms. It is lastly submitted by learned counsel for the petitioner that the petitioner has no criminal antecedent and is in custody since 13.01.2025.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and has submitted that the petitioner has been apprehended with contraband substance as such he should not be released on bail.

6. Considering the aforesaid submissions of respective counsel and taking into account the fact that from the seizure-list it does not appear that the brown sugar was recovered from the pocket of the petitioner and also taking into account that the recovered quantity is lesser than the commercial quantity and the petitioner has clean antecedent and is in custody since 13.01.2025, the petitioner above named, is directed to



be released on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court of Principal Sessions Judge, Madhubani (or his successor) in connection with Laukahi P.S. Case No. 07 of 2025 (G.R. No. 02 of 2025), subject to the 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, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.



However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of the same or in the name of verification.

(Sourendra Pandey, J)

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