

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32181 of 2025

Arising Out of PS. Case No.-385 Year-2024 Thana- BIRPUR District- Supaul

Md. Saddam Hussain @ Saddam Hussain S/O Md. Abujar @ Abujar Resident
Of - Bela Tinkhambha Tola, Ward No.-1, P.S.- Narpatganj, District-Araria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Adv

For the Opposite Party/s : Mr.Raj Kishor Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 19-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner makes a prayer for grant of regular bail in connection with Supaul NDPS Case No. 105 of 2024 arising out of Birpur P.S.Case No.385 of 2024 registered under sections 8 (c), 21(b), 29 of the N.D.P.S Act.

3. The allegation in the FIR, is that of recovery of 54 gm of brown sugar which was recovered from the pocket of the petitioner, who was apprehended on chase by the police.

4. Learned counsel for the petitioner submits that a false recovery has been shown from the petitioner. Although the recovery shown is of an intermediate quantity, which is over small quantity but much less than commercial quantity. It has further been submitted that the mandatory provision of search



and seizure have also been violated as there is no independent witness to the seizure list. Moreover, the other mandatory provisions of NDPS Act have also been violated. It is further submitted that the charge sheet has also been submitted in this case however, the same has been done without the FSL report. The petitioner is in custody since 21.11.2024.

5. The application for bail is opposed by the learned APP for the State on the ground that the petitioner has two criminal antecedents, however it is submitted by the learned counsel for the petitioner that petitioner is on bail in both the cases.

6. Considering the facts and circumstance of the case, the above named, petitioner is enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge/ Supaul in connection with Birpur P.S. Case No.385 of 2024, subject to the condition which is as follows:-

(i) One of the bailors shall be own/ close member of the family of the petitioner.

(ii) The petitioner shall co-operate in the investigation and shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the trial



Court will have liberty to cancel the bail bonds of the petitioner.

(Soni Shrivastava, J)

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