

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27811 of 2025

Arising Out of PS. Case No.-18 Year-2025 Thana- R S P.S. District- Araria

Md. Ishtiyaque S/o MD Shamim R/o Vill- Rajokhar Ward no. 05, P.S.- Araria
R.S., District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 07-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Araria RS P.S. Case No. 18 of 2025 registered for the alleged offences under Sections 8(c)/21(b) of NDPS Act of the Indian Penal Code.

03. As per prosecution case, the petitioner and co-accused persons were apprehended on information that they were trading in 'smack'. From the possession of this petitioner, 30 sachet of smack was recovered and from the other co-accused persons, recovery of 7 sachet and 6 sachet of smack was made. Recovery of total 43 sachet, weight of which came to be 13 gram, was made.

04. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The petitioner is having clean antecedent and recovery of smack from the petitioner is less than the small quantity since the weight of the smack recovered from the petitioner was taken with the wrapper and if the net quantity of smack is weighed, it might come below 05 gram. Learned counsel further submits that the petitioner is in custody since 29.01.2025 and charge-sheet has been submitted.

05. Learned APP for the State opposes the prayer for bail.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the quantity of contraband recovered and further considering the period of custody of the petitioner and his clean antecedent along with submission of charge-sheet, 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 Principal District & Sessions Judge, Araria/court concerned in connection with Araria RS P.S. Case No. 18 of 2025, subject to the conditions mentioned in Section 480(3) of BNSS and 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 bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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