

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33053 of 2025

Arising Out of PS. Case No.-423 Year-2024 Thana- BARHARIA District- Siwan

Imteyaj Ali S/O Anwarul Hoda Resident of Village- Pratappur, P.S.-
Manjhagarh, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, A.P.P

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 26-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Barharia P.S. Case No. 423 of 2024 lodged on 07.09.2024, for the offence punishable under Sections 310(4), 310(5) & 3(5) of the Bharatiya Nyaya Sanhita, 2023 and section 25(1-B)(a), 26, 35 of the Arms Act read with sections 8, 20, 21(b) & 22 of the N.D.P.S. Act.

3. The allegation in the First Information Report is that 7-8 miscreants were making a plan to sell pistol and narcotic substance and accordingly, a raid was conducted. The accused persons started fleeing away, however, one of them was apprehended and he disclosed his name as Imteyaj Ali who is the present petitioner and he also disclosed the name of other



accused persons who have fled away from the spot. On search, one country made *katta* loaded with one live cartridge and a bag containing 1 kg ganja was recovered from the petitioner's possession.

4. Learned counsel for the petitioner submits that the petitioner has been made accused in the present case on the basis of suspicion and a false recovery has been shown of a fire arm and 1 kg ganja. The entire process of search and seizure is not legal as there is no independent witness to the seizure list and it is only the police raiding party who are the witnesses to the said seizure list. It has also been submitted that the mandatory provisions of N.D.P.S. Act have also been violated. In any view of the matter, it is submitted on behalf of the petitioner that the recovery of ganja is of a small quantity and the petitioner is in custody since 08.09.2024. Counsel submits that charge-sheet has already been submitted in this case.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that petitioner has two criminal antecedents.

6. Taking into consideration the present facts and circumstances of the case as well as period of custody, let the above named petitioner, be enlarged 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 learned court below where the case is pending/Successor court, in connection with Barharia P.S. Case No. 423 of 2024, subject to the further conditions that:-

(i) One of the bailors will be a family member/close relative.

(ii) In case, charges have not been framed in this case, then petitioner is directed to appear on each and every date before the learned court below till charges are framed. And in case of absence of petitioner on two consecutive dates without any plausible reason/cause, his bail bond would be liable to be cancelled.

(Soni Shrivastava, J)

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