

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76858 of 2024

Arising Out of PS. Case No.-521 Year-2023 Thana- KISHANGANJ District- Kishanganj

Md. Abdul Salman @ Akhtar, Son of Late Abbas, resident of Village - Bihar
Bus Stand, Ward No. 24, P.S.- Kishanganj, Dist- Kishanganj

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 31-01-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with Kishanganj P.S. Case No.521 of 2023 registered for the offences punishable under Sections 8(c), 21(b) and 29 of the Narcotic Drugs and Psychotropic Substances Act.

3. The accused/petitioner is named in the FIR and is in custody since 03.09.2024.

4. The allegation against the petitioner is to have in possession of 220 sachets of smack, which upon weighing found total of 53.9 gms and cash of Rs.21,257/- was also alleged to be recovered from the jacket of the petitioner.

5. It is submitted by learned counsel that alleged



recovery admittedly not appears to be made from the petitioner, as FIR itself speaks that recovery was made from the jacket, which was left by this petitioner when police chased him. It is submitted that the recovered quantity is less than commercial quantity and therefore, the rigors of provision of Section 37 of the N.D.P.S. Act not appears to be applicable in present case. While concluding argument, it is submitted that investigation of this case is already completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP while opposing the prayer of bail fairly conceded that recovered quantity is less than commercial quantity.

7. In view of aforesaid factual submissions and by taking note of fact as the recovered quantity of contraband/smack appears less than commercial quantity, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 03.09.2024, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees



Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge (NDPS Act), Kishanganj in connection with Kishanganj P.S. Case No.521 of 2023, subject to the conditions as laid down under Section 437(3) of the CrPC/under Section 480(3) of the BNSS and with further conditions:-

(i) That petitioner shall co-operate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents.

(ii) That the if petitioner shall make any attempt to delay the trial, the prosecution/State shall be at liberty to take steps for cancellation of the bail bonds.

(Chandra Shekhar Jha, J.)

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