

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79614 of 2024

Arising Out of PS. Case No.-97 Year-2024 Thana- BANGAWON District- Saharsa

Md. Sahmad @ Md. Sahmat Son of Late Md. Isak Resident of Village -
Bariyahi Basti Ward No.7, P.S. - Bangaon, District - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 18-02-2025 Heard the parties.

2. The petitioner is in custody in connection with Bangaon P.S. Case No. 97 of 2024 for the offence punishable under sections 8, 20(b) (ii)A, 20(b) (ii)B of NDPS Act lodged on 30.07.2024 by the informant, Roushan Kumar.

3. As per the prosecution story, the police upon information apprehended one Anish Kumar and behind his house in bushes, there is recovery/seizure of 318 gram ‘ganja’. Further, upon his information, the house of the petitioner was raided and there is recovery/seizure of 3 kg 40 gram ‘ganja’.

4. Learned counsel for the petitioner submits that nothing has been recovered from his conscious possession, in any case, it is below the commercial quantity, his wife Farida Khatoon has been granted bail by this Court in Cr. Misc. No.



77752 of 2024 and he has got no criminal antecedent.

5. Learned APP opposes the prayer for bail but concedes that the wife of the petitioner has been granted relief and the recovery is below the commercial quantity.

6. Taking into account the aforesaid facts as also he has got no criminal antecedent, has already remained in custody since 29.09.2024 (para 13 of the petition) and his wife Farida Khatoon, as stated above, has been granted bail, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Sessions Judge cum Special Judge, Saharsa in connection with Bangaon P.S. Case No. 97 of 2024 subject to the following conditions:

(i) one of the bailors should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned



police station every fortnight for one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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