

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82514 of 2024

Arising Out of PS. Case No.-380 Year-2024 Thana- KATIHAR NAGAR District- Katihar

Lal Mohammad S/o Md. Ainul Ansari R/o Mofarganj, Argara Chowk, P.S-
Katihar Nagar, Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Adv.
For the Opposite Party/s : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-02-2025 Heard the parties.

2. The petitioner is in custody in connection with Katihar Town P.S. Case No. 380 of 2024 for the offence punishable under sections 8(c) and 21(a) of the N.D.P.S. Act lodged on 14.06.2024 by the informant, Kaushal Kumar.

3. As per the prosecution story, the informant alleged that during the patrolling, two persons were found to be trying to escape. They were chased and upon search, from the two accused/petitioner and Pradeep Kumar, there is recovery/seizure of 3.45 gram and 2.40 gram smack respectively (totalling 5.85 gram). Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the police dragged him in the case by incorporating the smack theory, he is in custody since 15.06.2024 (para 4 of the petition)



and in any case, it is below the commercial quantity of 250 gram. The last submission is that Pradeep Yadav has been extended bail in Cr. Misc. No. 73781 of 2024.

5. Learned APP opposes the prayer for bail.

6. Taking into account the submissions as also the materials on record and further that the recovery/seizure is below the commercial quantity, he is in custody since 15.06.2024 and co-accused Pradeep Yadav has been granted bail in Cr. Misc. No. 73781 of 2024. In that background, 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, N.D.P.S. Act, Katihar in connection with Katihar Town P.S. Case No. 380 of 2024 subject to the following conditions:

(i) one of the bailor 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 six months 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)

Vijay Singh/-

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