

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86697 of 2024

Arising Out of PS. Case No.-61 Year-2021 Thana- SARSI District- Purnia

Md. Ekhlak @ Md. Ekhlakh Alam @ Akhlak S/o Md. Muslim Resident of village- Akhtiyarpur, Ward No. 6, P.S- Sarsi, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 87331 of 2024

Arising Out of PS. Case No.-61 Year-2021 Thana- SARSI District- Purnia

Gaurav Kumar Singh @ Gaurav Singh S/o Ramendra Narayan Singh @ Buchki Singh R/o Village- Sarsi PS- Sarsi Distt.- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 1392 of 2025

Arising Out of PS. Case No.-61 Year-2021 Thana- SARSI District- Purnia

Md. Juber S/o Md. Alam @ Alim Resident of Sarsi, PS- Sarsi, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 86697 of 2024)

For the Petitioner/s : Mr. Bidhu Ranjan, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 87331 of 2024)

For the Petitioner/s : Mr. Bijendra Kumar Singh, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 1392 of 2025)

For the Petitioner/s : Md Fazle Karim, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA



ORAL ORDER

4 28-02-2025 Heard Mr. Bidhu Ranjan (Cr. Misc. No. 86697/24),
Mr. Bijendra Kumar Singh (Cr. Misc. No. 87331/24) and Md.
Fazle Karim (Cr. Misc. No. 1392/25) learned counsel for the
petitioners and Mr. Ganesh Prasad Singh (Cr. Misc. No.
86697/24), Mr. Yogendra Kumar Singh (Cr. Misc. No.
87331/24) and Mr. Ram Naresh Ray (Cr. Misc. No. 1392/25)
learned Additional Public Prosecutor for the State.

2. Petitioners seek bail where petitioner no. 1 is in
custody since 27.08.2024, petitioner no. 2 is in custody since
28.08.2024 and petitioner no. 3 is in custody since 18.06.2024
in connection with Suppl. Special N.D.P.S. Case No. 38 of 2021
arising out of Sarsi P.S. Case No. 61 of 2021, F.I.R. dated
08.06.2021 for the offences punishable under Sections 8(C),
21(b) and 22(b) of the NDPS Act.

3. Recovery is of 7.20 gram of Smack.

4. Learned counsel for the petitioners submits that
petitioners are innocent and they have falsely been implicated in
the present case. He further submits that it appears from the
F.I.R. that nothing has been recovered from the possession of
the petitioners rather 7.20 gram of Smack has been recovered
from the possession of the co-accused, namely, Guljari Prasad
Sinha and in the confessional statement of the said Guljari



Prasad Sinha he has mentioned that he has purchased the contraband from the co-accused, Ravi Goswami and thereafter, Ravi Goswami has disclosed the name of the petitioners. He further submits that there is non-compliance of the mandatory provision of Sections 42 and 52(A) of the N.D.P.S. Act and it appears that the recovered contraband is less than the commercial quantity. Hence, there is no embargo under Section 37 of the N.D.P.S. Act for grant of bail to the petitioners. He further submits that the charge has been framed against the petitioners on 19.09.2024. The petitioner no. 1 is in custody since 27.08.2024, petitioner no. 2 is in custody since 28.08.2024 and petitioner no. 3 is in custody since 18.06.2024.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that it appears from the F.I.R that 7.20 gram of smack has been recovered from the possession of the co-accused person and on the disclosure made by the apprehended co-accused persons, the name of the petitioners have been transpired in the present occurrence. Apart from that the petitioners carry two criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioners are on bail in the pending matter.



6. Considering the aforesaid facts and circumstances that nothing has been recovered from the possession of the petitioners and charge has been framed against the petitioners, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge-II, N.D.P.S. Act, Purnea in connection with Suppl. Special N.D.P.S. Case No. 38 of 2021 arising out of Sarsi P.S. Case No. 61 of 2021, subject to the following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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