

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88799 of 2024

Arising Out of PS. Case No.-23 Year-2024 Thana- PATHAMARI District- Kishanganj

Mukarram @ Mukrram S/O Md. Sultan Resident of village- Satal P.S-
Bahadurganj Distt- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-03-2025 Heard Mr. Raj Kumar, learned counsel for the
petitioner and Mr. Bharat Bhushan, learned APP for the State.

2. The petitioner is in custody in connection with Pathamari P.S. Case No. 23 of 2024 for the offence punishable under sections 8(c), 21(b) and 29 of the N.D.P.S. Act lodged on 08.09.2024 by the informant, Prakash Chandra Rai.

3. As per the prosecution story, the informant alleged that on information, he reached the place and apprehended the accused persons. The allegation is that one Pithu @ Jahangir as also Saddam escaped while from the petitioner, there is recovery/seizure of Rs. 3,700/- and a mobile phone and further, there is recovery/seizure of Rs. 45,770/-, the electric weighing machine and a mobile phone from Irshad Alam. Further, from a plastic bag, there is recovery of 99 grams morphine (*afim*), this



led to the FIR.

4. Learned counsel for the petitioner submits that a perusal of the FIR would show that nothing incriminating has been recovered from his conscious possession rather from the plastic bag which cannot be attributed to him. Last, the same is below the commercial quantity of 250 grams. Further submission is that one of the co-accused Irshad Alam has been granted bail in Cr. Misc. No. 76831 of 2024 and the petitioner is in custody since 08.09.2024.

5. Learned APP opposes the prayer for bail though accepts that the same is below the commercial quantity.

6. Considering the aforesaid submissions put forwarded by the learned counsel for the petitioner as also the fact that he is in custody since 08.09.2024 (paragraph-4 of the petition) and one of the co-accused has been granted bail, as stated above, 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 Session Judge-cum-Special Judge (NDPS Act), Kishanganj, in connection with Pathamari P.S. Case No. 23 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 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)

Ravi/-

U		T	
---	--	---	--

