

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87709 of 2024

Arising Out of PS. Case No.-563 Year-2024 Thana- MOHANIYA District- Kaimur (Bhabua)

Saddam faruki S/o Akhar Faruki R/o vill - Mohania, ward no. 11, P.S. -
Mohania, Distt.- Kaimur (Bhabhua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sarfraz Ahmad, Advocate
		Mr. Kaushal Kishore, Advocate
For the Opposite Party/s	:	Mrs. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 08-01-2025 Heard Mr. Kaushal Kishore, learned counsel for the
petitioner and the State.

2. The petitioner is in custody in connection with Mohania P.S. Case No. 563 of 2024 for the offence punishable under sections 8(c) & 21(b) of the NDPS Act lodged on 28.08.2024 by the informant, Satish Kumar Ravi.

3. As per the prosecution story, upon secret information, the Police reached Maharana Pratap College and intercepted a person (the petitioner) and upon search, 34.51 grams of smack recovered in forty packets. This led to the FIR/arrest.

4. Learned counsel for the petitioner submits that he has been falsely implicated by the Police, has no criminal



antecedent, due to enmity, the Police has made this recovery of smack, is in custody since 28.08.2024 and if granted bail, shall be diligently appearing in trial. His last submission is that in any case, it is below the commercial quantity of 250 grams.

5. Learned APP though opposes the prayer for bail, concede that it is below the commercial quantity.

6. Considering the submissions put forwarded by the parties as also that he do not have any criminal antecedent, is in custody since 28.08.2024 and the quantity is below the commercial one, this Court is inclined to extend him the privilege of bail with conditions.

7. If, however, it is found that the petitioner has criminal antecedent, the order shall become infructuous.

8. 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, Kaimur at Bhabua, in connection with Mohania P.S. Case No. 563 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)

Adnan/-

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