

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87674 of 2024

Arising Out of PS. Case No.-1112 Year-2024 Thana- PHULWARISHARIF District- Patna

Shiv Kumar S/O Late Naresh Paswan Resident of- Hinduni P.S.- Phulwari sharif, District- Patna Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shadab Akhter, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 08-01-2025 Heard the parties.

2. The petitioner is in custody in connection with Phulwari Sharif P.S. Case No. 1112 of 2024 for the offence punishable under sections 8(C) and 21(b) of the NDPS Act lodged on 04.08.2024 by the informant, Shahid Khan.

3. As per the prosecution story, the Police upon secret information intercepted an Alto car and there is recovery/seizure of 30.10 grams of smack. This led to the FIR/arrest.

4. Learned counsel for the petitioner submits that he do not have any criminal antecedent, is a young boy, student, does not own the vehicle and there is no such report of the Forensic Science Laboratory that it contains smack. In any case, it is below the commercial quantity of 250 grams.

5. Mr. Jitendra Kumar Singh, learned APP opposes the



prayer for bail, though concede that it is below the commercial quantity.

6. Taking into account the aforesaid facts as also that the petitioner is a young boy, is in custody since 05.08.2024 having no criminal antecedent and the recovered/seized quantity is below the commercial one, 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 Exclusive Special Court (NDPS) No. 2, Patna, in connection with Phulwari Sharif P.S. Case No. 1112 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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