

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2318 of 2025

Arising Out of PS. Case No.-110 Year-2024 Thana- THAKURGANJ District- Kishanganj

Habibur Rahman @ Md. Habibur Rahman S/O Mohammed Riyajuddin Sekh
@ Rajul Resident of village- Pirojpur Majumpur, P.S.- Kaliachak, District -
Malda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar, Adv.

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 19-04-2025 Heard the parties.

2. The petitioner is in judicial custody in connection with Thakurganj P.S. Case No. 110 of 2024 for the offences punishable under sections 21(c) and 29 of NDPS Act lodged on 28.07.2024 by the informant, S. Manglam Singh.

3. As per the prosecution story, the informant alleged that upon secret information, two persons were intercepted by the Police along with SSB team and allegation is that from Abu Kalam, there is recovery/seizure of 350.05 grams brown-sugar like substance besides a mobile phone while from the petitioner there is recovery of a mobile phone. This led to the FIR/arrest.

4. Learned counsel for the petitioner submits that as he was strolling along with named accused, clubbing them together, intercepted by the police, only mobile phone has been recovered from him, the recovery from Abu Kalam has been thrust upon the petitioner which led to his custody since 28.07.2024 (paragraph-4 of the petition), having no criminal



antecedent and if granted bail, shall be diligently appearing in the trial, not indulging any criminal activity failing which the State shall be free to cancel his bail bond.

5. Learned APP opposes the prayer submitting that when the two persons were intercepted, though there is only recovery of mobile from the petitioner, the recovery of 350.05 grams brown-sugar like substance from Abu Kalam cannot be differentiated from him as he was moving together with said Abu Kalam.

6. Taking into account the aforesaid facts as also the recovery which mainly is from Abu Kalam, only a mobile phone has been recovered from the petitioner, is in custody since 28.07.2024 (paragraph-4 of the petition) having no criminal antecedent, an undertaking has been given that he shall be diligently appearing in the trial, in that background, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) with two sureties of like amount each to the satisfaction of learned Sessions Judge cum Special Judge, (NDPS ACT), Kishanganj, in connection with aforesaid P.S. Case subject to the following conditions:



(i) one of the bailors should be the family member of the petitioner who shall provide official document to show his 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 the next 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)

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