

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87949 of 2024

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

Abu Kalam S/O Najrul Islam @ Najrul Resident of village- Sahabajpur, P.S.-
Kaliachak, District - Malda (W.B).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 30-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Thakurganj P.S. Case No. 110 of 2024 registered for the
offences under Sections 21(c) and 29 of the NDPS Act

3. The prosecution case is to the effect that the police
team, along with the SSB team, arrived near Mahananda Bridge
and found two persons trying to escape, however, they were
chased and apprehended. They disclosed their names as Abu
Kalam (petitioner) and Habibur Rahman. On search 350.05
grams of brown sugar is said to have been recovered from the
petitioner, while a mobile is said to have been recovered from
Habibur Rahman.



4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the instant case and the so-called recovery being shown against the petitioner is falsified from the very perusal of the seizure list, which does not contain the signature of the petitioner. The learned counsel has further stated that the provisions of Section 50 of the NDPS Act have not been followed. Charge sheet has already been submitted against the co-accused persons. The learned counsel has pointed out that the report from the FSL is yet to be received by the authorities declaring the said seized item to be brown sugar. Lastly it is submitted that the petitioner has clean antecedent and has been in custody since 28.07.2024.

5. The learned Additional Public Prosecutor for the State has opposed the prayer for bail.

6. Considering the aforesaid facts and circumstances of the case and taking into account the fact that the seizure list does not contain the signature of the petitioner and also going through the contents of the counter affidavit which was filed with regard to the antecedent of the petitioner wherein it has also been stated that there is no case pending against the petitioner and the fact that petitioner is in custody since 28.07.2024, let the petitioner, above named, be enlarged on bail



on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge (NDPS Act), Kishanganj in connection Thakurganj P.S. Case No. 110 of 2024 subject to the conditions that

- a. One of the bailors of the petitioner shall be his close relative.
- b. The petitioner shall remain physically present in Court on each date of the trial.
- c. In case of absence on two consecutive dates, or in violation of the terms of the bail and if the prosecution is found involvement of the petitioner in similar nature of offence, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(Sourendra Pandey, J)

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