

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89864 of 2024

Arising Out of PS. Case No.-496 Year-2024 Thana- ARARIA District- Araria

Azad S/O Tabrej @ Md. Tabrej Alam R/O Village- Sisauna, Ward No.-02,
P.S- Araria, Distt.- Araria (Bihar), PIN- 854311.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nishant Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-03-2025 Heard Mr. Nishant Kumar Sinha, learned counsel for
the petitioner and the State.

2. The petitioner is in judicial custody in connection with Araria P.S. Case No. 496 of 2024 for the offences punishable under Sections 8(c) and 21(b) of the N.D.P.S. Act, lodged on 24.09.2024 by the informant, Sanjeev Kumar.

3. As per the prosecution story, the informant alleged that upon information, the fruit shop was raided and there is recovery/seizure of 11 gram smack like substance along with Rs.6,100/- in cash. This led to the F.I.R.

4. Learned counsel for the petitioner submits that only because of suspicion, the police implicated him, he was a passersby and had absolutely no role to play in the alleged recovery. He further submits that in any case, the recovery is



below the commercial quantity of 250 gram, if granted relief, he shall be diligently appearing in trial. The last submission is that one of the co-accused, namely, Noorsadi has been granted bail in Cr. Misc. No. 84167 of 2024. The same be kept on record.

5. Learned APP for the State opposes the prayer though concedes that the recovery is below the commercial quantity.

6. Taking into account the aforesaid facts as also the fact that the petitioner has got no criminal antecedent, is in custody since 24.09.2024 (paragraph-4 of the petition) and similarly placed co-accused, as stated above, has been granted bail, in that background, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of like amount each to the satisfaction of learned District & Sessions Judge, Araria in connection with Araria P.S. Case No. 496 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 bona fide;

(ii) the petitioner shall appear on each and every date



before the Trial Court 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 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 bail bonds.

(Rajiv Roy, J)

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