

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76041 of 2025

Arising Out of PS. Case No.-1499 Year-2022 Thana- PHULWARISHARIF District- Patna

Md. Safi Alam @ Md. Munna @ Munan S/O Late Ali Raza R/O Village -
Chandapar, P.S- Masaurhi, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Digamber Kumar Singh, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 06-02-2026 Heard Mr. Digamber Kumar Singh, learned counsel for
the petitioner and the State, Mr. Bharat Bhushan.

2. The petitioner is in judicial custody in connection with Spl. (N.D.P.S.) Case No. 32 of 2023 in connection with Phulwarisharif P.S. Case No. 1499 of 2022 instituted under Section 399, 402, 411, 412, 413 and 414 of the Indian Penal Code, Sections 25(1-b)A, 26 and 35 of the Arms Act and 8(c)/21 of the N.D.P.S. Act lodged on 06.12.2022 by the informant Md. Safique Alam.

3. As per the prosecution case, the Police intercepted an under construction building and apprehended certain persons including the petitioner and amongst other, from him, a country-made pistol and a pouch containing 0.31 gm of smack recovered/seized. This led to the FIR.

4. Learned counsel for the petitioner submits that recovery/seizure is from an under construction building and the



seized items have been *thrust* upon him. He is in judicial custody since 08.12.2022 only because he has criminal antecedents. The further submission is that if granted relief, he shall be diligently appearing in trial and shall not indulge in any criminal activity, failing which, steps can be taken for cancellation of the bail bond.

5. Learned APP, Mr. Bharat Bhushan opposes the prayer for bail submitting that not only he has criminal antecedent, there is recovery/seizure of smack.

6. Taking into account the submission of the parties as also the fact that the trial has not concluded, has remained in custody for long, as recorded above, and an undertaking has been given that he shall be diligently appearing in trial and shall not indulge in any criminal activity, in that background, 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) with two sureties of like amount each to the satisfaction of learned Court of Spl. Judge, NDPS-I, Patna in connection with Phulwarisharif P.S. Case No. 1499 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document (Aadhaar Card/Voter ID Card/Driving License/Pan Card) 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 month for till the conclusion of the trial to mark his attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(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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