

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18268 of 2025**

Arising Out of PS. Case No.-359 Year-2024 Thana- MOHANIYA District- Kaimur (Bhabua)

=====
Imtiyaz Kuraishi S/O Late Sadruddin Kuraishi Village- Belodi, P.S.-
Mohania, District- Kaimur, Bhabua

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar Seth, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 28-03-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Mohania PS Case No. 359 of 2024 instituted for the offences
under Sections 8(c) & 21(a) of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 2.26 gram smack like substance from the possession
of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet been submitted in this case. No
incriminating material has been recovered from the conscious
possession of the petitioner. Learned counsel for the petitioner



further submits that petitioner has no concern with the recovered arms. Learned counsel for the petitioner goes on to submit that recovery is planted. The recovered contraband is below the small quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 19-06-2024 and has got four criminal antecedents. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, recovery below small quantity and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Mohania PS Case No. 359 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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