

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51105 of 2019**

Arising Out of PS. Case No.-16 Year-2019 Thana- THAKURGANJ District- Kishanganj

USMAN @ MD. USMAN, age 45 years, Male, S/o Hasnain, Resident of
Haidar Nagar, P.S.- Thakurganj, Distt- Kishanganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Sanjeev Kumar Singh, Advocate.
For the Opposite Party : Mr.Binod Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 19-08-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since
06.07.2019 in a case for the offence registered under Sections
22, 27 and 29 of N.D.P. S. Act.

The prosecution story, in brief, is that on 31.01.2019
at about 9.30 hours, when the informant alongwith his police
force were on day patrolling, they got information that near
Railway Crossing, in one red colour Maruti Car, Usman is
selling Smack and also getting consumed to other 5-6 customers
in the Car. On this information, when the informant reached the
spot, on seeing the police party, four persons getting down from
Car, fled away. Among the four, three were identified as Usman,
Jumrati@ Jahangir, Sunil by the informant. On query, car driver



told his name as Suman Kumar Sahu and another who was sitting on back seat as Abhishek Banerjee. On search of vehicle bearing Registration No. BR-37M-4168, five Puriyas of Smack (total weight 820 mg)., Aluminum paper-5 pieces, mobile phone etc., were recovered. Accordingly, seizure list was prepared and the accused persons were arrested.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. 820 mg. Smack and other articles are said to have been recovered from the car. The same is blow the commercial quantity. There is no compliance of Sections 42 and 50 of N.D.P.S. Act in the present case. Section 37 of N.D.P.S. Act is not applicable in the present case.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, 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 the learned Sessions Judge-cum-Special Judge (NDPS) Act, Kishanganj, in



connection with Thakurganj P.S. Case No. 16 of 2019.

(Sudhir Singh, J)

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