

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62691 of 2019

Arising Out of PS. Case No.-635 Year-2019 Thana- PHULWARISHARIF District- Patna

MD. IRSHAD Son of Md. Naushad @ Naushad Residence of Village- Nohsa
@ Nausha, P.S.- Phulwari Sharif, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rama Kant Singh
For the Opposite Party/s : Mr.Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-11-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered under Sections 399, 402 of the Indian Penal Code, Sections 25(1-b)a, 26, 35 of the Arms Act and Sections-20, 22 of the NDPS Act.

Allegedly, approximately six gms smack was recovered in this case.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is in custody since 01-07-2019. Charge sheet has already been submitted. Six gms smack is said to have been recovered. Same is below the commercial quantity. Hence Section 37 of the NDPS Act is not applicable in the present



case. There is no compliance of Section 42 & 50 of NDPS Act.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/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 learned Sessions Judge-cum-Special Judge, Patna in connection with Special Case No. 68 of 2019 arising out of Phulwarisharif P.S. Case No. 635 of 2019.

(Sudhir Singh, J)

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