

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76737 of 2019

Arising Out of PS. Case No.-78 Year-2018 Thana- KHUSRUPUR District- Patna

MD. SAMEER, aged about 22 years, (Male), Son of Sultan @ Md. Sultan
Alam, Resident of Village - Bihta, P.S.- Salimpur, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Kaushal Kishor, Advocate.

For the Opposite Party : Mr.Navin Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-11-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case for the offence
registered under Sections 399, 402, 414 of the IPC, 25(1-b)a,
26, 35 of the Arms Act and 20,22 of N.D.P.S.Act.

The prosecution story, in brief, is that on 12.04.2018
at about 10.00 P.M. in the night, during the patrolling, the police
apprehended five persons including the petitioner. Two to three
persons managed to escape from the place of occurrence. 500
Grams *Charas* is said to have been recovered from possession
of the petitioner.

It has been submitted by learned counsel for the
petitioner that the petitioner is languishing in custody since
14.04.2018. The petitioner has falsely been implicated in the



present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. It is alleged that 500 Gram *Charas* is said to have been recovered from possession of the petitioner. The same is below the commercial quantity. Hence, Section 37 of N.D.P.S. Act is not applicable in the present case. There is no recovery of arms from possession of the petitioner. There is no compliance of Sections 42 and 50 of N.D.P.S. Act in the present case.

On behalf of the State, it is 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 A.D.J.-XXII, Patna, in connection with Special Case No. 35 of 2018, arising out of Khusrupur P.S. Case No. 78 of 2018.

(Sudhir Singh, J)

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