

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27896 of 2020

Arising Out of PS. Case No.-85 Year-2020 Thana- MITHANPURA District- Muzaffarpur

MD. SADDAM S/o Md. Murtuza Anasari @ Mohammad Murtuza Resident
of Village-Balughat Karpuri Nagar Ward No.15, P.S.-Sikandarpur O.P. (Town
P.S.), District-Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh
For the Opposite Party/s : Mr. Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-11-2020 The present petition has been taken up for consideration
through the mode of Video conferencing in view of the
prevailing situation on account of COVID 19 Pandemic,
requiring social distancing.

Heard the learned counsel for the petitioner and Shri
Ashok Kumar, the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Mithanpura P.S. Case No. 85 of 2020 for the offence registered
under Sections 411/34 of the Indian Penal Code, Sections 24(1-
b)a, 26 and 35 of the Arms Act and Sections 8/20(b) (ii) (B) of
the NDPS Act.

The allegation is regarding the accused persons
including the petitioner herein having been apprehended by the



police party and upon search being made, as far as the petitioner is concerned, one dagger and one kg. Ganja was recovered.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and he is having a clean antecedent. It is further submitted that the petitioner is languishing in custody since 15.05.2020. Lastly, it is submitted that the quantity of Ganja recovered from the possession of the petitioner falls under the category of small quantity, as defined in the N.D.P.S. Act, 1985, hence the petitioner be granted the privilege of bail.

Per contra, the learned counsel for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the fact that the petitioner is having a clean antecedent and moreover the quantity of Ganja recovered from the petitioner falls under the category of small quantity, as defined under the Schedule to the N.D.P.S. Act, 1985, I deem it fit and proper to direct for release of the petitioner herein on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/-



(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, Muzaffarpur in connection with Mithanpura P.S. Case No. 85 of 2020.

(Mohit Kumar Shah, J)

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