

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28249 of 2020

Arising Out of PS. Case No.-426 Year-2019 Thana- LAHERIYASARAI District- Darbhanga

MD. RAZIQUE Son of Md. Hira @ Jaggu Resident of Mohalla - Sahara India
Gali, Donar, P.S.- Laheria Sarai (Benta), District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vishwanath Kumar Sinha, Sr. Advocate Mr. Rajesh Kumar, Advocate
For the Opposite Party/s	:	Ms. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 13-11-2020 Heard learned senior counsel for the petitioner and
learned A.P.P. for the State through video-conferencing.

The petitioner has filed the instant bail petition for grant of regular bail in connection with Laheria Sarai P.S. Case No. 426 of 2019 registered under sections 20 and 22 of N.D.P.S. Act and sections 27(b)(ii) and 28 of the Drugs and Cosmetics Act.

As per allegation in the F.I.R, on a raid being conducted, it is stated that the drugs as mentioned in the F.I.R was recovered from a hand bag below the counter in a shop. On enquiry it was disclosed by the vendor that the same belongs to his elder brother Md. Razique (the petitioner herein) who had given the same for sale. No document was produced authorizing sale of the seized drugs.

It is submitted by learned senior counsel appearing for the petitioner that from the F.I.R itself it would transpire that no recovery whatsoever has taken place from the person or possession of the petitioner and his name has transpired on the



alleged confession of a co-accused made before the police. Even otherwise it is submitted that so far as the seized drugs are concerned, the same are of common use in households and are within the limits prescribed under the Drugs and Cosmetics Act. The petitioner is in custody since more than a year i.e. 12.10.2019 and the investigation in the case has already concluded.

The application for bail is opposed by learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case together with the submission made on behalf of the petitioner as also the fact that charge-sheet in the case has already been submitted and cognizance taken by the learned Court below on 16.09.2020, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Laheria Sarai P.S. Case No. 426 of 2019 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, NDPS Act, Darbhanga.

(Partha Sarthy, J)

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