

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.30538 of 2020**

Arising Out of PS. Case No.-147 Year-2019 Thana- MUZZFARPUR GRP CASE District-
Muzaffarpur

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MD. KALAM @ RAJA Son of Md. Jan @ Jhingur Resident of Village- Chit
Bhagwatipur Soda Godam Chak, (Chanbara), P.S.- Ahiyapur, District-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Helal Ahmad, Adv.

For the Opposite Party/s : Mr.Umanath Mishra, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 02-12-2020 Heard learned counsel for the petitioner and Mr. Umanath
Mishra, learned APP for the State.

The petitioner in the present case is seeking regular bail in
connection with N.D.P.S. Case No.27 of 2019, arising out of Rail
Muzaffarpur P.S. Case No.147 of 2019, registered for the offence
under Sections 401 and 414 of the Indian Penal Code and Sections
08/22 of the N.D.P.S. Act.

Learned counsel for the petitioner submits that in the
present case the petitioner has been arrested on the allegations inter-
alia that he was in possession of Alprazolam Tablets IP 0.5 mg and a
total of 30 tablets were found in his pocket. Learned counsel submits
that the alleged quantity of Alprazolam tablets is much less than the
small quantity which is 5 gm and the commercial quantity of this is



100 gm. It is submitted that the petitioner is in jail in connection with this case since 12.07.2019 and the only case in which he is an accused, he has been granted bail by a learned coordinate Bench of this Court.

Learned APP for the State agrees at the bar that the quantity of the tablet is much less than the small quantity.

This being the position, the petitioner having remained in jail in connection with this case for over one year five months by now, let the petitioner abovenamed be released on bail on furnishing bail bond of Rs.25,000 (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 7th Additional Sessions Judge-cum-Special Judge, NDPS, Muzaffarpur in connection with N.D.P.S. Case No.27 of 2019, arising out of Rail Muzaffarpur P.S. Case No.147 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police officer or tamper with the evidence.



And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'

