

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83270 of 2019

Arising Out of PS. Case No.-549 Year-2019 Thana- KISHANGANJ District- Kishanganj

MD. MUSTAFA Son of Sabul @ Md. Sabul Resident of Village- Panisal,
P.S.- and District- Kishanganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr.N.K. Agrawal, Sr. Advocate Mr. Ram Prawesh Kumar
For the Opposite Party/s :	Mr.Ansar Ul Haque

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 04-06-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case instituted for the
offences under Sections 20 and 22 of the N.D.P.S. Act.

The prosecution case in short is that 750 gram opium
has been recovered in this case.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 20.11.2019. There is no
allegation of tampering of witnesses alleged against the
petitioner. Charge-sheet has been submitted in the present case.



The petitioner has been made accused due to mistake of fact. 750 gram opium is alleged to have been recovered. The same is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioner above named, is directed to be released on bail on his personal bond to the satisfaction of learned Sessions Judge-cum- Special Judge, N.D.P.S. Act, Kishanganj in connection with Kishanganj P.S. Case No. 549 of 2019 giving rise to Special Case No. 30/2019.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of four weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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