

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15190 of 2021

Arising Out of PS. Case No.-424 Year-2020 Thana- DAUDNAGAR District- Aurangabad

FIROJ ALAM @ MD. FIROJ ALAM S/O LATE MD. EKRAM R/o village-
Siris Bhopatpur, P.S.- Barun, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sada Nand Roy
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 30-11-2021 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner seeks bail in connection Daudnagar P.S. Case no.
424 of 2020 registered for the offence punishable under sections 8(c)
and 21 (b) of the NDPS Act.

Learned counsel for the petitioner submits that the
informant in the FIR has alleged that he got information that a four
wheeler triber car bearing registration no. JH01DR-2707 is coming
from Aurangabad in which illegal heroin drug is being hidden.
Accordingly, informant informed his superior and reached Kera
village and started checking vehicles and in course of checking he
saw the said car which was driven by Firoj Alam (petitioner) and
from the car 41.60 gram brown sugar, 19.70 gram and 15.90 gram
heroin and as such total 77.20 gram contraband was recovered.
Learned counsel for the petitioner further submits that petitioner is in



custody since 28.11.2020 and is person with clean antecedent and is a government school teacher and car though belongs to him but the same was taken to Patna for attending the marriage of his brother. He next submits that the car was driven by one Imran Ansari and while returning from Patna to Aurangabad, said Imran Ansari made excuse that he had to meet a friend as such petitioner had no option but to drive the car from Patna to Aurangabad and on search by the police, contraband was found. Learned counsel submits that in supplementary case diary in paras 21, 22, 23 and 24 witnesses have been examined who have disclosed this fact that it was Imran Ansari who was driving the said car and while going back, he made excuse and the petitioner had driven the car. He further submits that even assuming for the purpose of bail for the present recovery of Heroin and brown sugar is less than commercial quantity but more than small quantity.

Learned APP opposes the prayer for bail but is not able to meet the submissions of learned counsel for the petitioner that witnesses in paras 21, 22, 23 and 24 of the supplementary case diary have stated that it was Imran Ansari who had driven the car but he made excuse and further that Imran Ansari was implicated in NDPS case i.e. Aurangabad Mufassil P.S. Case no. 122 of 2017 at this stage learned counsel for the petitioner submits that it was Imran Ansari who had kept contraband in the car and thus, made excuse for not driving the car from Patna to Aurangabad. Learned counsel for the



petitioner further submits that charge sheet came to be submitted in absence of FSL report as such prima facie show conduct of the Investigating officer.

Considering the facts that petitioner is in jail custody since 28.11.2020 and is person with clean antecedent and is a government school teacher and charge sheet has been submitted in absence of FSL report and alleged recovered contraband is not of commercial quantity and during investigation statements of witnesses have been recorded as aforesaid, petitioner is directed to be released on bail on furnishing bail bonds of Rs 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the Sessions Judge-cum- Special Judge, NDPS, Aurangabad in Daudnagar P.S. Case no. 424 of 2020 with condition that when trial commences and the petitioner does not appear on two consecutive dates without plausible explanation, the learned court below shall be at liberty to cancel his bail bond.

(Satyavrat Verma, J)

s.hassan/-

U		T	
---	--	---	--

