

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16679 of 2021

Arising Out of PS. Case No.-464 Year-2020 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

MD. ISTIKHAR AHMAD S/O ANZAR AHMAD R/o village- Chakkar
Maidan, Majhauria Road, P.S.- Kazi Mohammadpur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Adv.

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-10-2021 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

The petitioner seeks bail in connection with NDPS Case No.69 of 2020 arising out of Muzaffarpur Sadar P.S. Case No.464 of 2020 registered for the offence punishable under Sections 20, 22 of the NDPS Act.

The prosecution case in short is that the petitioner and one other accused person have been apprehended by the police and on search, from the possession of the petitioner, powder like Charas (100 gm.) was recovered.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No offence as alleged has ever taken place. He



has been falsely implicated in this case. No incriminating article has been recovered from the conscious physical possession of the petitioner nor he has any concern with the apprehended co-accused. It is alleged that 100 gm of charas has been recovered from the possession of the petitioner, however, the said quantity is the small quantity as notified under the Act and the commercial quantity is 1 Kg. It is further submitted that there is no compliance of law with regard to search and seizure provided u/s 50 of the NDPS Act and section 100 of the Cr.P.C. The petitioner has two criminal antecedents and has been languishing in custody since 22.08.2020.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of this case and the custody of more than one year, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 5th Additional Sessions Judge-cum-Special Judge, NDPS Act, Muzaffarpur, in connection with NDPS Case No.69 of 2020 arising out of Muzaffarpur Sadar P.S. Case No.464 of 2020, subject to the following conditions:

- (1) One of the bailors will be own close relative of the



petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Anjani Kumar Sharan, J)

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