

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23365 of 2021**

Arising Out of PS. Case No.-47 Year-2020 Thana- MUZFFARPUR GRP CASE District-
Muzaffarpur

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MD SAMIM @ BETIYA @ MD SHAMIM SON OF LATE MD. SALIM
RESIDENT OF NEAR MARIPUR MAI ASTHAN, POLICE STATION-
KAZI MOHAMMADPUR, DISTRICT- MUZAFFARPUR

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Indrajeet Bhushan, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

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

2 27-08-2021 Learned counsel for the petitioner undertakes to remove

all the defects pointed out by the Stamp Reporter within four weeks

after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Narendra
Kumar Singh, learned APP for the State.

Petitioner in the present case is seeking regular bail in
connection with NDPS Case No. 53 of 2020 arising out of Rail
(Muzaffarpur) P.S. Case No. 47 of 2020 instituted under Section 401,
414 of the Indian Penal Code and under Section 22(b) of the NDPS
Act. He is custody since 28.6.2020.

As per the prosecution story the incriminating article
recovered from the possession of the petitioner is said to be 20 tablets
of one mg each of Ativan which contains psychotropic substance

namely Lorazepam mentioned at Sl. No. 210 of the Schedule notified for the purpose of Section 2(vii a) and 2(xxiii a) of the NDPS Act, 1985.

Learned counsel further submits that in the five cases stated in Paragraph-3 he is on bail.

It is further submitted that in the present case petitioner has been falsely implicated. All the seizure list witnesses are the police personnel.

Learned APP for the State has though opposed the prayer for bail of the petitioner, but considering the facts and circumstances of the case wherein the alleged quantity of psychotropic substance comes to hardly 20 mg and the small quantity provided under the notification is 10 gram and commercial quantity being 250 gram, the bar of section 37 of the NDPS Act, 1985 is not attracted, this Court directs release of the petitioner on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned 8th Additional Sessions Judge, Muzaffarpur in connection with NDPS Case No. 53 of 2020 arising out of Rail (Muzaffarpur) P.S. Case No. 47 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:-

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 their criminal antecedent, the

court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(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'.