

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25762 of 2021

Arising Out of PS. Case No.-264 Year-2020 Thana- BRAHMPURA District- Muzaffarpur

Aslam Khan Son of Late Mataru Khan @ Rayees Ahmad Resident of Mohalla- Tinkothiya, Obaida High School, P.S.- Mithanpura, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 02-12-2021 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Brahampura P.S. Case No. 264 of 2020 instituted for the offences under Sections 8, 20(b)(ii)(A) of the N.D.P.S. Act.

Learned counsel for the petitioner submits that the petitioner is in custody since 23.10.2020, charge-sheet has been submitted in the case and is a person with clean antecedent.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that the informant alleges that on 22.10.2020 when the informant along with police force were on patrolling duty and they reached at Juran Chhapra, Indraprastha Hospital Lane, they



saw one person sitting in a suspicious state and on seeing the police jeep, the said accused tried to run away but he was apprehended and disclosed his name as Aslam Khan and on search 101 sachets of smack like substance was recovered.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that though informant alleges that on search of the petitioner 101 sachets of smack like substance is alleged to be recovered but from perusal of the F.I.R. and the seizure list it would manifest that the weight of the alleged recovered substance is missing as such it is difficult to ascertain whether the seized substance was *charas* and whether it was of commercial or small quantity. Learned counsel for the petitioner submits that since weight of the alleged substance is not mentioned in the F.I.R. and in the seizure list, this amply shows that the petitioner has been falsely implicated in the present case and nothing was recovered from his possession.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner but is not able to meet the submission of learned counsel for the petitioner that the weight of the alleged recovered substance is not mentioned either in the F.I.R. or in the seizure list.



Considering the fact that the petitioner is in custody since 23.10.2020, charge-sheet has been submitted in the case, the petitioner is a person with clean antecedent and the weight of the alleged recovered substance has not been recorded either in the F.I.R. or in the seizure list, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge (N.D.P.S. Act), Muzaffarpur in connection with Brahampura P.S. Case No. 264 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Satyavrat Verma, J)

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