

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33526 of 2021

Arising Out of PS. Case No.-629 Year-2020 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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MANISH KUMAR @ TOFFI YADAV Son of Mr. Anil Kumar Yadav
Resident of Krishna Toli, P.S. - Brahampura, District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh
Mr. Shivam
For the Opposite Party/s : Mr. Manish Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 20-12-2021 Heard learned counsel for the parties.

Petitioner seeks regular bail in connection with Sadar
P.S. Case No. 629 of 2020 registered for the offence under
Section 20 / 22 of the N.D.P.S. Act

The allegation as per the First Information Report is
that Police on the basis of secret tip off that the petitioner, who
is a veteran criminal is staying in a rented house, proceeded
towards the place of occurrence and upon seeing the Police
party he started fleeing away, however, Police arrested the
petitioner along with 19 sachets of Smack like substance and
three mobile phones from his possession.

Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case. The petitioner



was picked up from his house on 09-11-2020 in the night itself and no F.I.R. was lodged on 09-11-2020. However, when Miscellaneous Case No. 37 of 2020 regarding the arrest of the petitioner was lodged before the learned C.J.M, Muzaffarpur, the Police falsely implicated the petitioner in the present case by ante dating the First Information Report and this is the reason that First Information Report was sent to the court on 11-11-2020 though it was lodged on 10/11/2020 in the morning itself. Learned counsel further submits that weight of the Smack like substance has not been taken by the Police and no procedure of search, seizure and sampling was adopted at the time of alleged seizure of 19 sachets of Smack like substance from the petitioner. Learned counsel next submits that commercial quantity of Smack is 250 gram and it is not the case of the prosecution that petitioner was having commercial quantity of Smack with him. The petitioner is in custody since 11/11/2020.

Regard being had to the submissions made by the parties and taking into consideration the materials available on record, the fact that quantity of the Smack allegedly recovered from the possession of the petitioner has not been disclosed by the prosecution, the petitioner is in custody since 11/11/2020 and charge sheet has already been submitted, I am inclined to



grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 25000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge cum Special Judge (N.D.P.S.), Muzaffarpur in connection with Sadar P.S. Case No. 629 of 2020.

(Anil Kumar Sinha, J)

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