

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33559 of 2021

Arising Out of PS. Case No.-404 Year-2020 Thana- PHULWARISHARIF District- Patna

MD. TAUSHIF S/o Md. Raju R/o Village/ Mohalla- Khalipura, P.S.- Phulwari Sharif, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar Singh
For the Opposite Party/s : Mr. Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 21-12-2021 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Special Case No. 107 of 2020, arising out of Phulwarisharif Police Station Case No. 404 of 2020, registered for the offences punishable under Sections 20/22 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

The allegation, as per the First Information Report, is that the police recovered 20 gms. of brown sugar from the pocket of the petitioner.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to oblique motive and at the time of search and seizure, the procedure prescribed under Section 50 of the Narcotic Drugs and



Psychotropic Substances Act, 1985 has not been followed. He further submits that the petitioner has got no criminal antecedent of similar nature and brown sugar recovered from the possession of the petitioner is less than the commercial quantity. He next submits that the petitioner is in custody since 23.07.2020 and charge sheet has been submitted against the petitioner and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and the fact that brown sugar recovered from the petitioner is less than the commercial quantity, the petitioner has got no criminal antecedent of similar nature, charge sheet has already been submitted and the petitioner is in custody since 23.07.2020, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, Md. Taushif, be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 13th Additional Sessions Judge -cum- Special Judge, Patna, in connection with Special Case No. 107 of 2020, arising out of



Phulwarisharif Police Station Case No. 404 of 2020.

This is subject to the condition that the petitioner shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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