

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35906 of 2020

Arising Out of PS. Case No.-21 Year-2020 Thana- NARALI KALA KHURD District-
Aurangabad

Imtekhhab, aged about 45 years, male, son of Mahbub Ali, Resident of Village-
Rajjak Bigha, P.S.- Narari Kala, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Adv.
For the Opposite Party/s : Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 03-03-2021 Heard Ms. Vaishnavi Singh, learned counsel for the
petitioner and Md. Aslam Ansari, learned APP for the State.

The petitioner seeks bail in connection with Narari
Kala Khurd P.S. Case No. 21 of 2020, dated 06.05.2020,
instituted for the offences under Sections 15(b), 20(b) (ii)
(b), 21(b) and 22(b) of the Narcotic Drugs and Psychotropic
Substances Act, 1985.

3 kgs. and 960 grams of Doda is said to have been
recovered from the possession of the petitioner.

Learned counsel for the petitioner has submitted
that Doda is akin to poppy and the minimum quantity under



the notification is 1 kg., whereas the maximum/commercial quantity is said to be 50 kgs. (refer to Entry No. 110 of the concerned notification). It has further been submitted that the identification of the petitioner with the aforesaid narcotics is also doubtful. Apart from this, she has submitted that the quantity of Doda, which has been recovered, would not produce even the minimum quantity of narcotic intoxicant. The seizure-list witnesses of this case are only the police personnel and even the manner of weighment casts doubt over the prosecution version.

The petitioner is stated to be in custody since 07.05.2020 and does not have criminal antecedents.

Considering the nature of accusation and the period of custody of the petitioner, he is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Addl. District & Sessions Judge-Cum-Special Judge, Aurangabad in connection with Narari Kala Khurd P.S. Case No. 21 of 2020, subject to the following conditions:



(i) that one of the bailors shall be a close relative of the petitioner;

(ii) that the petitioner shall, at the time of furnishing his bonds, give his mobile telephone number as well as the mobile telephone numbers of both his bailors, which telephone numbers shall be kept in operative condition till the conclusion of the trial;

(iii) that the petitioner shall not leave the territorial confines of the Court which is trying the offence, without the consent of the Trial Court, sought in advance; and

(iv) that the petitioner shall also get his presence marked before the Officer-in-Charge of the concerned police station on the first Monday of each month. The Officer-in-Charge of the concerned police station is directed not to detain the petitioner in the police station unnecessarily.

With the aforesaid observation/direction, the application stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

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