

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3581 of 2021**

Arising Out of PS. Case No.-464 Year-2020 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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MD. SHAMIM @ SONELAL Son of Md. Sakir Alli R/o Village- Majhaulliya
Khetal, P.S.- Sadar, District- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar through Zonal Director, Narcotics Control Bureau, Patna
Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Anand, Advocate
For the Opposite Party/s : Mr.Mr. Akhileshwar Dayal, APP

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

5 09-07-2021 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.
Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in
connection with N.D.P.S. Case No. 69 of 2020 arising out of
Muzaffarpur Sadar P.S. Case No. 464 of 2020 registered for the
offences punishable under Sections 20, 22 of the Narcotics Drugs
Psychotropic Substances Act ('N.D.P.S. Act').

Learned counsel for the petitioner submits that as per the
prosecution story, on 21.8.2020 the informant received secret
information that the petitioner with other accused person who are
involved in snatching mobiles and dealing with narcotics drugs are



standing near Majhaulia Masjid. On that information, informant along with other police party reached there, where seeing the police van two persons started fleeing away but they have been apprehended and on search each 100 gm of powder like Charas have been recovered from this petitioner and other accused Md. Istakhar.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted there is no compliance of Section 50 of the N.D.P.S. Act. The petitioner is in custody since 22.8.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the quantity of 100 gram of charas allegedly recovered from the possession of the petitioner but the contention being that there was no compliance of Section 50 of the N.D.P.S. Act, the quantity is less than the commercial quantity as admitted by learned APP for the State, the petitioner has remained in jail in connection with the present case since 22.8.2020, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Vth Additional Sessions Judge-cum- Special Judge, N.D.P.S. Act, Muzaffarpur in connection with N.D.P.S. Case No. 69 of 2020, arising out of Sadar



P.S. Case No. 464 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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 his 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'.

