

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2883 of 2022

Arising Out of PS. Case No.-8 Year-2021 Thana- TEGHRHA District- Begusarai

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MUSTAQ MOHAMMAD SON OF MD. RAHAMDEEN R/O VILLAGE-
ROHTABARA, P.S.- BADI, DISTRICT- SOLAN (HIMANCHAL
PRADESH)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Singh

For the Opposite Party/s : Mr. Binod Kumar No.3, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 20-06-2022 Heard learned counsel for the petitioner and the

State.

Petitioner seeks regular bail in a case registered for
the offence punishable under Sections 20 and 22 of the NDPS
Act.

Allegedly, about 23 kg narcotic substance purported
to be Ganja was recovered from the alleged vehicle in which
14.130 kg Ganja alleged contraband was recovered from
beneath the seat of the driver and rest ganja was recovered from
trailer of the vehicle and the petitioner is alleged to be seated in
the alleged vehicle at the time of alleged recovery.

The main submissions advanced by the learned
counsel for the petitioner are that petitioner is a mechanic in a



garage situated nearby the alleged place of occurrence and at the time of said recovery said vehicle was being repaired by the petitioner and he has no concern with the alleged contraband and moreover, while seizing said contraband, mandatory provision of NDPS Act was not complied by the concerned police officials. Further submission is that petitioner has been languishing in jail since 8.1.2021, investigation has been completed and FSL report in respect of the alleged contraband has not been received by the trial court till now.

Learned APP opposes the prayer for bail.

Having considered the above submissions, petitioner's custody period, investigation in respect of petitioner has been completed as it appears from the order of the learned court below, the case of the petitioner is at the initial stage of trial and most of the witnesses of the prosecution are official witnesses and as per para 3 of the petition, petitioner has got no criminal antecedent, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge I, Begusarai in NDPS Case no. 01 of 2021 arising out of Teghra Police Station Case No. 08 of 2021 on the following conditions:-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

The court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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