

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8352 of 2022

Arising Out of PS. Case No.-543 Year-2021 Thana- MOHANIYA District- Kaimur (Bhabua)

Md. Sarfuddin @ Md. Sarfuddin Rayeen Son of Md. Shubhan Rayeen
Resident of Village - Stuwarganj, Mohania, Ward no.7, Mohania, P.S.-
Mohania, Distt.- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 25-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Mohania
P.S. Case No. 543 of 2021 registered for the offence under
Sections 8(c), 21(a)(b) and 27(A) of the N.D.P.S. Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 21.11.2021.

The allegation against the petitioner is to have in
possession of 2.310 gram of contraband i.e. heroine, in his
pocket.

Learned counsel appearing on behalf of the petitioner



submitted that alleged recovery of heroine is less than small quantity, for which, a maximum punishment is of one (1) year, where petitioner is in custody since last 7 month. It is submitted that similarly situated co-accused person has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 7549 of 2022 dated 26.05.2022. It is also submitted that petitioner is a man of clean antecedent. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that alleged recovery of contraband i.e. heroine is less than small quantity, as per seizure list.

Considering the facts and circumstances as mentioned above, as alleged recovery of contraband i.e. heroine is less than of small quantity and also considering the custody period of the petitioner coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Mohania P.S. Case No. 543 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned Court of Sessions Judge-cum-Special Judge, Kaimur at Bhabua/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Md. Asraf Rain, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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