

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8613 of 2022

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

Md. Nasim Rayeen @ Md. Naseem Rayeen Son of Md. Rajid Rayeen
Resident of Village- Stuarganj, Mohania Ward No. 7, P.S. - Mohania, District-
Kaimur At Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-06-2022 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 two weeks
of the complete start of the physical Court in normal course.

The petitioner seeks bail in connection with Mohania
P.S. Case No. 543 of 2021 registered for the offence under
Section 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.

It is alleged that 1.650 grams of heroin is said to be
recovered from the possession of the accused/petitioner.

Learned counsel appearing on behalf of the petitioner
submitted that the quantity recovered is less than small quantity.
It is further submitted that petitioner is a man of clean



antecedent. While arguing over the matter, it is further submitted that one co-accused, namely, Md. Saddam Khan has already been granted bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 26.05.2022 passed in Cr. Misc. No. 7549 of 2022.

Learned APP appearing on behalf of the State fairly conceded that similarly situated co-accused persons have already been granted bail by a Co-ordinate Bench of this Hon'ble Court.

Considering the facts and circumstances as mentioned above and as the quantity recovered is less than small quantity and the similarly situated co-accused person has already been granted bail by this Hon'ble Court, 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 Sessions Judge-cum-Special Judge, Kaimur at Bhabua, subject to the following conditions:

“(i) That accused/petitioner shall
not involve in the similar nature of offence
till the conclusion of trial, failing 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 properly represented 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 duly supported by the documents.

(iii) That one of the bailors shall be the close relative of the accused/ petitioner like mother/father/sister/brother.”

(Chandra Shekhar Jha, J)

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