

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9041 of 2022**

Arising Out of PS. Case No.-875 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

MD SALIM @ MD SALIM ANSARI Son of Tajuddin Ansari @ Md. Tajuddin Resident of Village- Jamalabad, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 04-07-2022 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 Ahiyapur P.S. Case No. 875 of 2021 registered for the offence under Sections 25(1-b)A and 26 of Arms Act and Sections 8/20(b)(ii)(B) of the NDPS Act.

The accused/petitioner is named in the F.I.R. and is in custody since 15.12.2021.

The allegation against the petitioner is to have in possession of one country made pistol and one live cartridge and also 265 gm of contraband i.e. *Charas*.



Learned counsel appearing on behalf of the petitioner submitted that the recovery of country made pistol and contraband i.e. *Charas* cannot be said from the conscious physical possession of the petitioner. It has further been submitted that mandatory provision under Section 100 of Cr.P.C. was not complied with. It has further been submitted that the petitioner is a man of clean antecedent. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that contraband i.e. *Charas* is less than commercial quantity.

Considering the facts and circumstances as mentioned above, as alleged recovery of contraband from the petitioner is less than commercial quantity, who is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Ahiyapur P.S. Case No. 875 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, Muzaffarpur, subject to the following conditions:

“(i) 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.

(ii) That one of the bailors shall be Rubina Khatun, who is the mother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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