

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10231 of 2022**

Arising Out of PS. Case No.-158 Year-2021 Thana- TATARPUR District- Bhagalpur

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DILSHAD KHAN Son of Late Md. Harun Resident of Mohalla- Tatarpur
Chowk, Near Gali, P.S.- Tatarpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Priya Sharan Singh

For the Opposite Party/s : Mr.Shailendra Kumar

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 06-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for

the offence punishable under Sections 20/22 of the NDPS Act.

Allegedly, from the possession of this petitioner 10.45

gram narcotic material purported to be brown sugar was

recovered.

The main submissions advanced by the learned

counsel for the petitioner are that petitioner has been

languishing in jail since 09.09.2021 having clean antecedent and

without getting FSL report of seized article which is claimed to

be narcotic substance, charge sheet was submitted against the



petitioner which shows *malafide* intention of the prosecution to put the petitioner behind bar.

Learned APP has opposed the prayer for bail.

Considering these facts as well as petitioner's clean antecedent as mentioned at para 3 of the petition and his custody period, in my view, a lenient approach may be taken in respect of the petitioner. 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 Addl. Sessions Judge VIII, Bhagalpur in NDPS Case no. 62 of 2021 arising out of Tatarpur P.S Case No. 158 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 absence on two consecutive dates without sufficient reason, his 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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