

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11916 of 2022

Arising Out of PS. Case No.-607 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

MD. MUSHATAQ @ MD. MUSTAK Son of Md. Alim Mustaffa Resident of
Village- Sipahpur, P.S.- Ahiyapur, District- Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar

For the Opposite Party/s : Mr. Anita Kumari

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 20-12-2022 Heard Ld. counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with D.R.I
(N.D.P.S) Case No. 127 of 2021 arising out of Ahiyapur P.S.
Case No. 607 of 2021, registered for the offences
punishable under Sections 8 and 20 (b) (ii) (B) of N.D.P.S
Act.

The prosecution story as emerges form the FIR is
that about 21 gms of Smack was recovered from the
arrested accused persons.

Ld. counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this



case. He further submits that the quantity of the allegedly recovered contraband is small as per the schedule to the Act. He also submits that nothing has been recovered from the conscious possession of the petitioner. He further submits that search and seizure was not made according to the NDPS Act. He also submits that investigation in this case is complete and charge-sheet has already been submitted.

The petitioner has been languishing in jail since 09.09.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has been made accused in one more case.

However, the Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, particularly seeing the quantity of recovered contraband, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten



Thousand) with two sureties of the like amount each to the satisfaction of the Ld. 2Nd Additional Sessions Judge Muzaffarpur, in connection with Ahiyapur P.S. Case No. 607 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal



antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

Learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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