

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14914 of 2022

Arising Out of PS. Case No.-383 Year-2020 Thana- PHULWARISHARIF District- Patna

MD. LAL BABU @ FAIZAN TABREJ Son of Md. Sohail Resident of
Village - Gulistan Mohalla, P.S. - Phulwari Sharif, Dist - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajnish Kumar Singh, Advocate
For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 27-04-2022 Heard learned counsel for the parties.

The petitioner has renewed his prayer for grant of regular bail in a case registered under sections 20 and 22 of the NDPS Act.

As per the prosecution case, a total of 20 gm of brown sugar was seized from the four named accused persons including the petitioner herein.

It is submitted by learned counsel for the petitioner that the earlier application for bail of the petitioner was rejected vide order dated 7.9.2021 (Annexure-1) passed in Cr. Misc. No. 12553 of 2021. It is further submitted that from reading of sections 20 and 22 of the NDPS Act it would transpire that even if the allegations as levelled in the FIR are accepted to be true for the sake of argument, the alleged quantity of the drug



recovered being below the small quantity, in case of conviction the same will be punishable for a term which may extend to one year or with fine which may extend to Rs. 10,000/-. The petitioner has remained in custody since 16.7.2020. It is submitted that in the earlier order dated 7.9.2021, it had been wrongly recorded that the petitioner has no criminal antecedent. In fact the petitioner has one criminal antecedent as mentioned in paragraph no. 3 of the petition.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner together with the petitioner having remained in custody for 1 year 9 months, the petitioner is directed to be enlarged on bail in connection with Phulwari Sharif P.S. Case no. 383 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 9th, Patna.

(Partha Sarthy, J)

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