

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25238 of 2021

Arising Out of PS. Case No.-478 Year-2020 Thana- PHULWARISHARIF District- Patna

MD. MANSOOR @ MANSOOR ALAM @ NAWAB Son of Mahboob Alam
Resident of Naya Tola, Madina Gali, P.S. - Phulwari Sharif, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Masoom Alam, Advocate.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 29-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

In the light of order dated 20.12.2021, the Director,
Forensic Science Laboratory, Patna, Bihar has furnished a
detailed FSL report in a sealed cover and the same report was
opened in presence of the officers of Forensic Science
Laboratory, Patna namely Md. Sayeed Alam, Assistant Director
and Neeraj Kumar Varshney, Senior Scientific Assistant.

Office is directed to send back the aforesaid FSL
report under a sealed cover immediately to the court below.



The petitioner, who is in custody since 02.09.2020, seeks regular bail in connection with Special Case No. 130 of 2020 arising out of Phulwari Sharif P.S. Case No. 478 of 2020 for the offence punishable under Sections 20 and 22 of the NDPS Act.

Prosecution case in brief is that when two persons in suspicious condition were trying to flee away, they were apprehended by the police and they disclosed their name as Md. Mansoor Alam (petitioner) and Md. Sonu. On search of the apprehended accused persons, 20 piece puriya each containing 1 gm brown sugar was recovered from the possession of Mansoor Alam (petitioner) and 5 piece puria each containing 1 gm brown sugar was recovered from the possession of other co-accused Md. Sonu. Accordingly, the seizure list was prepared.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Name of the petitioner has surfaced in this case on the basis of confessional statement of co-accused Md. Sonu who has already been granted bail by the court below. Petitioner has been roped in this case because prior to the present case, he along with co-accused Md. Sonu have been made accused in Phulwari P.S. Case No. 317 of 2020 which was also registered



under Sections 20/22 of the N.D.P.S. Act. He further submits that the case was registered under Sections 20/22 of the N.D.P.S. Act, but charge sheet has been submitted under Sections 21/27 of the N.D.P.S. Act. The quantity which has been recovered is less than the commercial quantity but more than the small quantity for which the period of custody may extend to ten years. As such taking into consideration the quantity of the 'Heroin', the petitioner be enlarged on bail.

Learned APP for the State has opposed the prayer for grant of bail to the petitioner and submits that the petitioner along with his associate were earlier also engaged in trade of brown sugar and after being released on bail, they have again committed the same crime, as such it will not be in the public interest at large as well as the society and younger generation to release the petitioner on bail. He further submits that as per the FSL report, the seized narcotic is 'Heroin', a diacetyl derivative of Morphine which is an addictive, intoxicating and narcotic substance.

Considering the above mentioned facts and circumstances of the case as well as rival submissions of the parties as well as statutory provision of Sections 21 and 27 of the N.D.P.S. Act under which charge sheet has been submitted,



the petitioner having found earlier also in such activity along with his co-accused Md. Sonu named in the F.I.R. which is evident from Para-3 of the bail petition and considering the quantity of the 'Heroin' commonly known as 'brown sugar' which is 20 grams and is highly intoxicating and narcotic substances, I am not inclined to enlarge the petitioner on bail.

Accordingly, the present bail application is rejected.

The trial court is directed to conclude the trial expeditiously within a period of one year.

The petitioner, if so advised, may renew his application for bail, if no substantial progress takes place in conclusion of the trial within the aforesaid period.

(Purnendu Singh, J)

mantreshwar/-

U		T	
---	--	---	--

