

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21997 of 2022

Arising Out of PS. Case No.-886 Year-2021 Thana- PHULWARISHARIF District- Patna

Md. Arshad @ Shadab @ Arshad D @ Shahdab S/o Md. Akil R/o Village -
Ishopur Pani Tanki, P.S. - Phulwarisharif, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rina Sinha, Adv.

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 09-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Special Case No. 155 of 2021 arising out of Phulwarisharif P.S.
Case No. 886 of 2021 lodged under Sections 20/21(b) / 22/27 of
the N.D.P.S. Act.

As per the prosecution case, the recovery of 37 Gram
of the Brown Sugar was alleged to be made from the possession
of the petitioner.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He submits
that the said recovery was made from his conscious position.

Learned counsel for the petitioner further submits that the commercial quantity for the seized N.D.P.S. material is 250 Gram whereas the recovery is much below than the said commercial quantity. Learned counsel for the petitioner further submits that there are 6 criminal cases pending against the petitioner, out of 6 cases, one case is relating to N.D.P.S. material. Learned counsel for the petitioner submits that he is on bail in all the cases. He further submits that charge sheet has already been filed in this case and one co-accused person has been granted bail by the Co-ordinate Bench of this Court vide order dated 10.08.2022 passed in Cr. Misc. No. 25012 of 2022.

Learned counsel for the State opposes the prayer for bail and submits that the recovery has been made from the possession of the petitioner and not from the possession of the petitioner to whom the bail has been granted. He further submits that the criminal antecedent of the petitioner is not clean and he is accused in one N.D.P.S. case also.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner therefore, the bail application is hereby rejected but liberty is hereby granted to the petitioner that he may renew his prayer for bail 2 months after framing of charge.

With this observation, the bail application stands
rejected.

(Dr. Anshuman, J.)

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