

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35159 of 2021

Arising Out of PS. Case No.-364 Year-2020 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

MD HUSSAIN Son of Wasi Resident of Village - Bata Gali Road, P.S.-
Brahampura, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed Firoz Raza, Adv.
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 04-01-2022 Heard Mr. Syed Firoz Raza, learned counsel for the

petitioner and Mr. Binod Kumar, Additional Public Prosecutor

for the State through video conferencing.

Petitioner seeks regular bail in connection with Kazi
Mohammadpur PS Case No. 364/2020 registered for the offence
punishable under Section 414 of the IPC and Section 20(B) (ii)
(A)/27 of NDPS Act.

As per First Information Report, the police, on the
basis of information that two persons are standing under
Maripur over-bridge in suspicious condition, proceeded towards
the place of occurrence and apprehended them, namely, Md.
Kaish @ Rahul and Md. Hussain (petitioner), and recovered 10
sachets of smack and cash of Rs. 14780/- from the pockets of



Md. Kaish. A motorcycle was recovered from the place of occurrence and when the police asked for ownership paper of the said motorcycle, they did not produce the same.

Learned counsel for the petitioner submits that no smack has been recovered from the possession of the petitioner and from perusal of the seizure list, it would be evident that the ten sachets of smack has been recovered from the possession of co-accused, Md. Kaish @ Rahul. He further submits that Md. Kaish @ Rahul has been granted bail by a Co-ordinate Bench of this Court *vide* Cr. Misc. No. 32774/2021.

Learned counsel next submits that charge-sheet has already been submitted and the petitioner is in custody since 30.12.2020. He further submits that the petitioner was not in possession of the seized motorcycle and the same was under the possession of co-accused, Md. Kaish and the petitioner was standing under the bridge.

Regards being had to the submissions made by the parties and taking into consideration the material on record and the fact that similarly situated co-accused, from whose possession the smack was recovered, has already been granted bail by a Bench of this Court, charge-sheet has already been submitted, I am inclined to grant regular bail to the petitioner.



Accordingly, let the petitioner, MD HUSSAIN be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, Muzaffapur in connection with Kazi Mohammadpur PS Case No. 364/2020.

(Anil Kumar Sinha, J)

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