

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24081 of 2022

Arising Out of PS. Case No.-525 Year-2021 Thana- MOHANIYA District- Kaimur (Bhabua)

Md. Salim Son of Gafar Miya Resident of Village - Badi Bazar Mohania,
Ward No. 9, P.S. - Mohania, District - Kaimur at (Bhabhua).

... .. Petitioner/s

Versus

1. The Union of India through its N.C.B. (Rajeev Nagar), Patna. Bihar
2. The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Prakash Singh, Advocate
For the Opposite Party/s : Mr. K.N. Singh, (Addl.S.G.)

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-11-2022 Heard learned counsel for the petitioner and learned
counsel for the Union of India.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 8(c), 21(b)
of N.D.P.S. Act, 1985.

Recovery is of total 95.90 grams of the brown-
sugar/heroin.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that in fact no
incriminating article has been recovered from the house of the



petitioner and only on the basis of suspicion the petitioner has falsely been implicated in the present case. He further submits that it reveals from F.S.L. report dated 31.05.2022 that the recovered substance Heroine could not be detected in the brown powdery substances as narcotics substance which was recovered from the house of the petitioner.

The learned counsel for the Union of India has vehemently opposed the prayer for anticipatory bail of the petitioner but fairly submits that F.S.L. report does not confirms that the same is narcotics substance.

Considering the aforesaid facts and circumstances, petitioner has clean antecedent and nothing has been recovered from conscious possession of the petitioner, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Mohania P.S. Case No. 525 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-

1. Petitioner shall co-operate in the trial and



shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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