

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25465 of 2022

Arising Out of PS. Case No.-594 Year-2021 Thana- SHASTRINAGAR District- Patna

Md Rehan @ Nazmeen @ Md Rahman S/o Moinuddin @ Md. Moin Resident
of Mohalla- Samanpura, (Raja Bazar), P.S.- Shastrinagar, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 26224 of 2022

Arising Out of PS. Case No.-594 Year-2021 Thana- SHASTRINAGAR District- Patna

1. Md. Ezaj Ahmad S/o Md. Salauddin R/o village- Khajpura, Behind Shiv Mandir, P.S.- Hawai Adda, District- Patna
2. Md. Emteyaz S/o Md. Reyaz R/o village- Khajpura, Behind Shiv Mandir, P.S.- Hawai Adda, District- Patna

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Partys

Appearance :

(In Criminal Miscellaneous No. 25465 of 2022)

For the Petitioner/s : Mr.Md. Najmul Hodda, Advocate

For the Opposite Party/s : Mr.Choubey Jawahar, APP

(In Criminal Miscellaneous No. 26224 of 2022)

For the Petitioner/s : Mr.Dayashanker Pandey, Advocate

For the Opposite Party/s : Mr.Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-08-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioners are in custody in connection with



Special (N.D.P.S.) Case No. 192 of 2021 arising out of Shastrinagar P.S. Case No. 594 of 2021 under sections 8(c), 21(b) of N.D.P.S. Act.

As per the FIR, the lady Police Inspector of Shastrinagar Police Station, Patna on a patrolling duty at one o'clock at night upon information went to 'Akashwani Road' where it is alleged that these accused persons were intercepted and upon search, it is said that 10 pouches each were recovered/seized from the petitioners herein as also Md. Arman and 7 pouches from Emteyaz totalling 23 grams 'Smack' like substance as well as Rs. 6200/-.

Learned counsel for the petitioners submit that while the petitioner Md. Rehan runs puncture shop, the other two petitioners namely Md. Ezaj Ahmad and Md. Emteyaz are 19 years old boys, poor labourers who were relaxing after day long work and due confusion, the police intercepted and as per the allegation recovery/seizure was shown and accordingly they are in custody.

Learned counsel for the petitioners further submit that they have suffered a lot by being in custody since the date of lodging of the FIR, 1.12.2021 and have no criminal antecedents.



The learned APP Mr. Choubey Jawahar submits that although individual seizure has been shown from the petitioners herein, the same comes under constructive possession. He however, concedes that the same does not come within the definition of the commercial quantity.

Considering the fact that the petitioners are in the age group of 19 to 24 years, have no criminal antecedents are in custody since 1.12.2021 and charge-sheet stands submitted as also that being young they need a chance to reform themselves, this Court is inclined to grant them the privilege of bail.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-IX, Patna, in connection with Special (N.D.P.S.) Case No. 192 of 2021 arising out of Shastrinagar P.S. Case No. 594 of 2021 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioners, who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of bail



by the Trial Court itself;

(iii) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, both the bail applications are allowed.

(Rajiv Roy, J)

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