

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26846 of 2022

Arising Out of PS. Case No.-709 Year-2021 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Md. Nizam Son of Md. Farooque Resident of Village - Hasan Chak, P.S.-
Sadar, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mani Bhushan Kumar, Adv.

For the Opposite Party/s : None

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 02-09-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner through
virtual mode.

No one appears on behalf of State.

The petitioner seeks regular bail in connection with
Muzaffarpur Sadar P.S. Case No. 709 of 2021 (N.D.P.S. Case
No. 153 of 2021) lodged under Section 21(b) of the N.D.P.S.
Act.

As per the prosecution case, the Police party has
apprehended 2 persons including the present petitioner and on
interrogation they confessed that they are involved in
committing crime and use to consume smack. On search 5-5
gram small pouch was recovered and upon measurement the

said pouch was measured as 6-6 gram.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He submits that the petitioner is a poor labour. He also submits that the quantity recovered from the possession of petitioner is the smaller quantity and maximum punishment provided for this offence is one year. He further submits that the present case is not covered under Section 37 of the N.D.P.S. Act. He also submits that petitioner is in custody since 24.10.2021 and about 10 months has crossed, chargesheet has already been filed in this case and petitioner has having clean antecedent.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Session Judge, Muzaffarpur in connection with Muzaffarpur Sadar P.S. Case No. 709 of 2021 (N.D.P.S. Case No. 153 of 2021), subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date

fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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