

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16442 of 2022

Arising Out of PS. Case No.-426 Year-2021 Thana- MINAPUR District- Muzaffarpur

MD. REYAZUDDIN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 27453 of 2022

Arising Out of PS. Case No.-426 Year-2021 Thana- MINAPUR District- Muzaffarpur

LALAN KUMAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 16442 of 2022)

For the Petitioner/s : Mr. Rajeev Ranjan No.II, Adv.

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

(In CRIMINAL MISCELLANEOUS No. 27453 of 2022)

For the Petitioner/s : Mr. Bhavesh Kumar, Adv.

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-08-2022 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners seek bail in a case registered for the offence under Sections 272, 273, 414, 467, 468, 420, 120(B)/34 of the Indian Penal Code and Sections 20 and 22 of the N.D.P.S. Act and also Sections 30(a), 33 and 36 of the Bihar Prohibition and Excise Act, 2018.

The case relates to recovery of 40 liters of untinchered spirit, 90 pieces of empty bottles of liquor and 550 gram from the



car in question.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and has falsely been implicated in this case. He further submits that it appears from the F.I.R. that 550 gram of charas along with 40 liters of untinchered spirit and 90 pieces of empty bottles of liquor have been recovered from the car in question. He further submits that as per notification issued under the N.D.P.S. Act, 1985, the small quantity of heroin has been specified as 100 grams, whereas the commercial quantity has been specified as 1 Kg. In fact, in this case, the total recovery is of 550 gram as per seizure list, thus, it is apparent that the quantum of recovery of alleged charas from the car in question is less than the maximum limit of commercial quantity and the same does not fall within the purview of commercial quantity, hence, there is no bar for this Court to grant the privilege of bail to the petitioner. He further submits that the similarly situated co-accused, Raushan Kumar Shahi and Rajnish Shahi and Dhiraj Kumar Shahi have already been granted bail by a co-ordinate Bench of this Court vide order dated 25.05.2022 passed in Cr. Misc. No. 6674 of 2022 and Cr. Misc. No. 11831 of 2022, respectively. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioners are rotting in judicial custody



since 16.11.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that the petitioner, namely, Lalan Kumar carries one more case other than the present one whereas petitioner, namely, Md. Reyazuddin bears clean antecedent. He further submits that the F.S.L. report also confirms that the alleged recovered article is ganja.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Minapur P.S. Case No. 426 of 2021 with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) This is also subject to the condition that the petitioners shall mark their attendance in local police station i.e.



Minapur Police Station, District- Muzzafarpur, on first Sunday of every month during the course of the pendency of the case. In default in making their attendance in the aforesaid Police Station, will result into cancellation of bail bonds of the petitioners.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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