

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.37931 of 2021**

Arising Out of PS. Case No.-50 Year-2021 Thana- THAWE District- Gopalganj

Sonu Mian @ Ataul Rahman Son Of Late Bhuil Mian @ Matiur Rahman
Resident Of Village- Keshapur Korar (Keshapur), P.S.- Thawe, District-
Gopalganj.

... .. Petitioner

Versus

1. The State Of Bihar
2. The Union Of India, New Delhi

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate
For the Opposite Party/s : Mr. Harendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 18-01-2022 Learned counsel for the petitioner undertakes to
remove all the defects pointed out by the Stamp Reporter within
four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Harendra Prasad, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Thawe P.S. Case No. 50 of 2021
registered for the offences punishable under Sections 414/34 of
the Indian Penal Code and Sections 8(c), 21(a) of the Narcotic
Drugs and Psychotropic Substances Act, 1985 (in short ‘the
N.D.P.S. Act’). He has got one criminal antecedent in which he
is on bail.



Learned counsel for the petitioner submits that the allegation against the petitioner is that 1.84 grams of charas has been recovered from the possessions of the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the seizure list witnesses are police personnel. The petitioner is in custody since 27.02.2021.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the uncontroverted submission of learned counsel for the petitioner that from possession of the petitioner about 1.84 grams which is less than the small quantity of charas has been recovered, he has got one criminal antecedent in which he is said to be on bail and the case is of the year 2008, the seizure list witnesses are police personnel and the petitioner has already remained in custody since 27.02.2021, investigation against him is complete and the rigors of Section 37 of the N.D.P.S. Act is not attracted against him, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge, Gopalganj in



connection with Trial No. 18 of 2021 arising out of Thawe P.S.
Case No. 50 of 2021 subject to the conditions as laid down
under Section 437(3) Cr.P.C.

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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

