

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30385 of 2022

Arising Out of PS. Case No.-88 Year-2022 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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MD ASHLAM @ RAJA @ MD ASLAM SON OF MD AYUB RESIDENT
OF MOHALLA- KALIBARI ROAD, P.S- MITHANPURA, DIST-
MUZAFFARPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raju Kumar

For the Opposite Party/s : Mr.Lalan Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 14-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with N.D.P.S.
Case No. 45/2022 arising out of Town P.S. Case No. 88/2022
registered for the offences punishable under Sections 25(1-B)a,
26, 35 of the Arms Act and Sections 8(c), 21(b) of the N.D.P.S.
Act, 1985.

As per prosecution case, there is alleged recovery of
one live cartridge and 20 packets of 300 mg. each total 60 gm.
smack like substances from the possession of the petitioner.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. No incriminating articles has been recovered from the



possession of the petitioner or the house of the petitioner. The petitioner is languishing in custody since 30.01.2022 and bears no criminal antecedent. Seizure list has not been prepared as per law. Learned counsel for the petitioner further submits that alleged recovered quantity is less than commercial quantity as per notification of N.D.P.S. Act. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-1, Muzaffarpur in connection with N.D.P.S. Case No. 45/2022 arising out of Town P.S. Case No. 88/2022, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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