

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39691 of 2021

Arising Out of PS. Case No.-257 Year-2021 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

MD. NEHAL @ AYAN S/O MD. HASIM @ MD. BARIK R/O MOHALLA-
BRAHAMPURA NOORI MASJID, P.S.-BRAHAMPURA, DISTRICT-
MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bela Singh

For the Opposite Party/s : Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-01-2022 Heard.

The petitioner seeks regular bail in connection with Muzaffarpur Sadar P.S. Case No. 257 of 2021, registered for the offence punishable under section 414 of the Indian Penal Code and Sections 25(1-b)a, 26, 35 of the Arms Act.

The police is alleged to have reached at the alleged place of occurrence and arrested three miscreants including the petitioner herein and as far as the petitioner is concerned, upon search, a country made pistol along with two live cartridges, 200 grams of a substance like ganja and a motorcycle was recovered.



The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 27.3.2021. The learned counsel for the petitioner has further submitted that as far as the recovery of ganja is concerned, the same is much less than the small quantity defined in the scheduled notified under the N.D.P.S. Act, 1985, hence, there is no impediment in grant of bail to the petitioner, especially considering the period of incarceration.

Per contra, Ms. Anita Kumari Singh, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the parties and taking into account the materials available on record as also considering the fact that the quantity of ganja recovered from the possession of petitioner is much less than the small quantity defined in the schedule notified under N.D.P.S. Act and moreover,



the petitioner is stated to be languishing in custody since about 10 months, I deem it fit and proper to admit the petitioner to the privilege of regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned court of Sessions Judge- cum Special Judge, Muzaffarpur in connection with Muzaffarpur Sadar P.S. Case No. 257 of 2021.

(Mohit Kumar Shah, J)

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