

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43835 of 2021

Arising Out of PS. Case No.-585 Year-2020 Thana- BIDUPUR District- Vaishali

MD. SAHIL Son of Late Md. Aluddin Resident of Village- Daudnagar, P.S.-
Bidupur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur- Advocate

Mr. Shivam- Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 09-02-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

The petitioner seeks bail in connection with Bidupur
P. S. Case No.585 of 2020, instituted for the offences under
Sections 8, 20, 21, 22, 23 of the N.D.P.S. Act.

The learned counsel for the petitioner submits that the
petitioner is in custody since 28.12.2020, he is a person with
clean antecedent and charge-sheet has been submitted in the
case.

Allegation is of recovery of 500 grams of charas from
the possession of the petitioner.

The learned counsel for the petitioner submits that
even presuming what is alleged, is true without admitting the



same for the purposes of the bail, the alleged recovery is half of the commercial quantity.

The learned A.P.P. for the State opposes the bail application and submits that in compliance of order dated 12.01.2022, a counter-affidavit has been filed and from the perusal of the same, it would manifest that the F.S.L. Report has been received and the same testifies the seized substance to be charas.

The learned counsel for the petitioner submits that from perusal of the counter-affidavit, one more thing is clear that the charge-sheet came to be submitted in absence of F.S.L. and at Para-14 of the counter-affidavit, it has been recorded that the charge-sheet was submitted in absence of F.S.L. with a view that the petitioner does not get the benefit of default bail and again at the cost of repetition, the learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and it is his first offence.

At this stage, the learned counsel for the petitioner seeks permission to withdraw the bail application with a liberty to the petitioner to renew his prayer for bail after framing of charge.

Permission is accorded.



Accordingly, instant petition is dismissed as
withdrawn with the liberty aforesaid.

(Satyavrat Verma, J)

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