

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37156 of 2022

Arising Out of PS. Case No.-34 Year-2022 Thana- ISHAKCHAK District- Bhagalpur

MD. WAKIL Son of Md. Khalil Mistri Resident of Mohalla-Panna Mill Road,
Gudarganj, P.S.-Mojahidpur, Distt.-Bhagalpur. Present Address Mohalla-
Kabadi Tola, Gunti No.-012, P.S.-Ishakchak, District-Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under sections 21(a) (i),
22(a) (i) of the N.D.P.S. Act, in connection with Ishakchak P.S.
Case No. 34 of 2022.

As per the prosecution story, the police has alleged
that upon information about illegal selling of ‘Smack,
intercepted a person and thereafter made a search of his person
and recovered seven packets of ‘Smack’ like substance
weighing 1 gram. Accordingly, FIR was lodged and he was
taken into judicial custody.



Learned counsel for the petitioner submits that he do not have any criminal antecedent and has been implicated in this case and being a young boy has already suffered and deserves bail.

Learned APP on the other opposes the prayer for bail by stating that there is recovery of one gram 'Smack'.

Considering the quantity of recovery as also he do not have any criminal antecedent and is in custody since 14.2.2022, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of lerned Sessions Judge, Bhagalpur, in connection with P.S. Case No. Ishakchak P.S. Case No. 34 of 2022 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;



(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/Ajay Singh

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