

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46350 of 2021

Arising Out of PS. Case No.-212 Year-2021 Thana- PURNEA SADAR District- Purnia

MD. NASIM @ MD. NASHIM @ CHHOTU Son of Afatab @ Aftab Alam
Resident of village - Kabristan Tola, Gulab Bagh Zeromile, P.S. - Sadar,
District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 46784 of 2021

Arising Out of PS. Case No.-212 Year-2021 Thana- PURNEA SADAR District- Purnia

MD. TABREZ Son of Md. Ibrahim R/o- Dasba Road, Gulabbagh, P.S.,Sadar,
District- Purnia.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 46350 of 2021)

For the Petitioner/s : Mr. Mahendra Pratap, Adv.

For the Opposite Party/s : Mr. Choubey Jawahar, APP

(In CRIMINAL MISCELLANEOUS No. 46784 of 2021)

For the Petitioner/s : Mr. Kumar Praveen, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 26-04-2022 Heard the parties.

Both the applications for bail have been heard together and are being disposed of by a common order as they arise out of same PS Case Number i.e., Purnea Sadar PS Case No. 212 of 2021.

Petitioners seek regular bail in connection with



Special Case No. 28/2021 arising out of Purnea Sadar PS Case No. 212/2021 registered for the offence under Section 8 (c) /21 (b) of the Narcotic Drugs and Psychotropic Substance Act.

Prayer for bail of similarly situated co-accused person, namely, Bishu Kumar Sharma @ Vishu Kumar Sharma from whose possession 11 grams of brown sugar was recovered, has been rejected on merit by this Court *vide* order dated 03.02.2022 in Cr. Misc. No. 43132/2021.

From the possession of the present petitioners, namely, Md. Nasim @ Md. Nashim @ Chhotu, 10.70 grams of brown sugar has allegedly been recovered while from the possession of Md. Tabrez, 11 grams of brown sugar has been recovered.

Learned counsel for the petitioners submit that at the time of search and seizure the procedures prescribed under Section 50 of the NDPS Act have not been followed and the petitioners have got no criminal antecedents. Learned counsel further submits that commercial quantity of Heroin is 250 grams and small quantity is 5 grams. The petitioners are in custody since 25.04.2021.

Regards being had to the submissions made by the parties and taking into consideration the materials available on



record the fact that psychotropic drugs/heroin/brown sugar has been recovered from the possession of the petitioners and other accused person in search made by the police, quantity of brown sugar recovered is more than small quantity and less than commercial quantity, and bail application of similarly situated accused person has been rejected by this Court, as such, I am not inclined to grant regular bail to the petitioners.

Accordingly, the prayer for grant of regular bail is rejected.

However, the petitioners, if so advised, may renew their prayer for bail after three months from today, if the trial does not show any progress.

(Anil Kumar Sinha, J)

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