

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39015 of 2022

Arising Out of PS. Case No.-543 Year-2021 Thana- MOHANIYA District- Kaimur (Bhabua)

Taufik Rayeen @ Md. Taufik Rayeen Son of Md. Gulampir @ Nagara @
Lagara @ Gulam Pir Ray, Resident of Village - Bari Bazar Ward No.11, P.s.-
Mohania, Distt.- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 06-12-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
N.D.P.S. Case No.08 of 2022 arising out of Mohania P.S. Case
No. 543 of 2021, lodged under Sections 8(c)/21(a)(b)/27(A) of
the N.D.P.S. Act.

As per prosecution case, the recovery of smack from
the possession of different accused persons have been made in
this case, but there is no recovery of smack from the petitioner's
possession.

Learned counsel for the petitioner submits that name

of petitioner has figured in this case by the confessional statement of co-accused and in the F.I.R. itself the Police has shown this petitioner as absconded Mohd. Taufik Rayeen. He further submits that petitioner is in custody since 09.12.2021 and there are 2 criminal case pending against him, in which he is already on bail. He also submits that co-accused from whose possession 5.850 gram of heroine/smack like substance was recovered has already been granted bail vide order dated 26.05.2022 passed in Cr. Misc. No.7549 of 2022.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, Kaimur at Bhabua in connection with N.D.P.S. Case No.08 of 2022 arising out of Mohania P.S. Case No. 543 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date

fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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