

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57072 of 2021

Arising Out of PS. Case No.-189 Year-2021 Thana- PHULWARISHARIF District- Patna

Md. Firoz @ Firoz, aged about 25 years (Male), Son of Late Md. Reyazuddin
Resident of Village - Naya Tola, P.S.- Phulwarisharif, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mohammad Sufyan, Adv.
For the State : Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-02-2022 Learned counsel for the petitioner is permitted to
make rectification in the prayer portion of the bail petition.

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

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with
Phulwarisharif P.S. Case No. 189 of 2021 instituted for the
offences under Sections 20/22 of the N.D.P.S. Act but, the
charge-sheet has been submitted under Section 21(B) read with
Section 8(c) and 27 of the N.D.P.S. Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 23.02.2021 , is a person with clean
antecedent and charge-sheet has been submitted and the charges



have been framed.

There is an allegation of recovery of 10 gm. of brown-sugar from the petitioner.

Learned counsel for the petitioner submits that from the allegation as alleged in the F.I.R., it would manifest that the Informant did not weigh the alleged seized substance rather in the F.I.R., it is recorded that it was the petitioner who disclosed the weight of the alleged seized substance. Learned counsel for the petitioner further submits that it appears that the petitioner has been falsely implicated in the present case and submits that even assuming what has been alleged is true but, without admitting for the purpose of bail, the alleged recovery is of 10 gm of brown-sugar which is little more than the small quantity and much less than the commercial quantity as the commercial quantity is 250 gm whereas the small quantity is 5 gm. It is, however submitted that it is the first offence of the petitioner and the petitioner is a young man aged 25 years of age.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody, is a person with clean antecedent and charge-sheet has been submitted and that the alleged recovery is little more than the



small quantity but, much less than the commercial quantity and it is the first offence of the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XVI, Patna in connection with Phulwarisharif P.S. Case No. 189 of 2021 subject to a condition that one of the bailors shall be mother of the petitioner, namely, Akhtari Khatoon.

(Satyavrat Verma, J)

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