

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47544 of 2022

Arising Out of PS. Case No.-286 Year-2020 Thana- MIRGANJ District- Gopalganj

Khalid Husain Son of Sahebjan Miyan Resident of Village - Badaki Bagahi,
P.S.- Hathua, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.

: Mr. Arvind Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard Mr. N. K. Agrawal, Sr. Counsel with Mr.
Arvind Kumar, learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Tr. No. No. 27 of 2020 arising out of Mirganj P.S. Case No. 286
of 2020, lodged under Section 20(b)(ii)(B) of NDPS Act.

As per prosecution case, there is only sole accused
who is petitioner in the present case, from whose possession 900
gram of Charas has been recovered.

Learned counsel for the petitioner submits that
petitioner is in custody since 12.12.2020. He further submits

that from the content of F.I.R., it transpires that there is gross violation of Section 100 of the Cr.P.C. as well as the violation of Section 50 of the N.D.P.S. Act. He also submits that antecedent of the petitioner is not clean as there is one case pending against him, which is not of NDPS. He further submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court. He also submits that the commercial limit for Charas is 1 k.g. but the recovered Charas is above the small quantity and lesser than the commercial quantity. He further submits that charge has already been framed.

Learned A.P.P. 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 Additional Sessions Judge-cum-Special Judge, Gopalganj in connection with Tr. No. No. 27 of 2020 arising out of Mirganj P.S. Case No. 286 of 2020, 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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