

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56482 of 2021

Arising Out of PS. Case No.-332 Year-2021 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

MD. ASIF MUSTAFA FSON OF LATE MD. HASHMI MUSTAFA R/O
MOHALLA- GOPAL GORI LANE, BARI KHANJARPUR, P.S.- BARARI,
DISTRICT- BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Manoj Kumar
For the Opposite Party/s : Mr.Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 10-02-2022 Heard the parties through virtual court proceeding.

Petitioner seeks regular bail in connection with
Kotwali (Barari) P.S. Case No. 332 of 2021, N.D.P.S. Case No.
30 of 2021 registered for the offence under Sections 20 / 22 of
the Narcotic Drugs and Psychotropic Substance Act, 1985.

As per the First Information Report 1.900 mg of
Smack has been recovered from the pocket of the petitioner.

Learned counsel for the petitioner submits that
petitioner has not committed any offence in the manner alleged
and he has falsely been implicated in this case with oblique
motive. He further submits that at the time of search and seizure
of the body of the petitioner procedures prescribed under
Section 50 of the N.D.P.S. Act has not been followed. The
quantity of *Smack* recovered is less than small quantity and
petitioner has no antecedent of similar nature of offence. He
further submits there there is no likelihood that petitioner will



commit same offence after release on bail. He is in custody since 18/5/2021, charge sheet has already been submitted and the co-accused Md. Rahil @ Md. Rahil Khan has been granted bail by this court in Cr. Misc. No. 43838 of 2021.

Regard being had to the submissions made by the parties and taking into consideration the materials available on record, the fact that petitioner has got no criminal antecedent of similar nature of offence under the N.D.P.S Act, quantity of *Smack* recovered is less than small quantity, petitioner is in custody since 18 – 5 – 2021, charge sheet has already been submitted and the co-accused person has been granted bail by this court, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 25000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Bhagalpur in connection with Kotwali (Barari) P.S. Case No. 332 of 2021, N.D.P.S. Case No. 30 / 2021.

(Anil Kumar Sinha, J)

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