

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48471 of 2022

Arising Out of PS. Case No.-210 Year-2022 Thana- MOUZA HIDPUR District- Bhagalpur

MD CHOTU @ NOOR ALI Son of Raju Driver @ Riaz Ali Resident of
Village - Shahbaz Nagar, P.s.- Mojahidpur, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar
For the Opposite Party/s : Mr.A.G

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 08-12-2022 Learned counsel for the petitioner is permitted to
remove defect (s), as pointed out by the office, if any, within a
period of four weeks on resumption of physical mode.

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

The petitioner has preferred this application for grant
of regular bail in a case registered under sections 21(b), 22(b)
and 25 of the N.D.P.S. Act.

As per the prosecution case, on search 20 *puriyas* of
narcotic substance weighing 6.050 grams were recovered from
the possession of the petitioner.

Learned counsel for the petitioner has submitted that
the petitioner is innocent and has falsely been implicated in this



case. It is further submitted that in the F.I.R. the recovery was from the possession of the petitioner but in the seizure list the said recovery was from the house of the petitioner. In the F.I.R it is not clear that which type of contraband was recovered from the possession of the petitioner. It is also submitted that recovered contraband is more than small quantity but less than commercial quantity. The petitioner is accused in 16 other criminal cases out of which 2 cases are related to NDPS case as stated in para 3 of the bail petition and the petitioner is released on bail in all 16 cases. The petitioner is in custody since 18.06.2022.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

Considering the aforesaid facts and circumstances of the case, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Bhagalpur in connection with Mojahidpur P.S. Case No. 210 of 2022 with following conditions:-

1. One of the bailors shall be a close relative of the petitioner who shall give genealogy as to how he is related to



the petitioner.

2. The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the prosecution will be at liberty to move for cancellation of his bail bond .

3. If the petitioner is found involved in any other criminal case in future, his bail bond is liable to be cancelled.

4. The petitioner is directed to mark his attendance before the Officer-in-Charge of the concerned police station at 10:00 A.M. on every Monday of the week and in the event of his failure to do so on two consecutive occasions, the present privilege of bail will stand cancelled by the concerned Court below.

The application stands allowed.

(Chandra Prakash Singh, J)

atul/ayush/-

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