

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58769 of 2021

Arising Out of PS. Case No.-430 Year-2021 Thana- FORBESGANJ District- Araria

Md. Wasil @ Wasil Son of Late Badri Resident of Village - Rampur Dakshin
Ward No.- 01, P.S.- Forbesganj, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate.

For the Opposite Party/s : Mr. Mohammad Sufyan, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-04-2022 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 from today.

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application has been filed for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Forbesganj P. S. Case No. 430 of 2021 Corresponding to Special Case No. 21 of 2021 registered for the offence punishable under Section 21 (b) of the N.D.P.S. Act.

As per the prosecution case, it is alleged that on secret information, the Police raided the house of the petitioner and on search, 11.650 gram Smack in 35 plastic rappers is said



to have been recovered. However, it is made clear in the F.I.R./seizure list that the narcotics substance (smack) was only 3.600 mmg and with plastic rapper it was 11.650 gram, counsel for the petitioner submitted that the recovery of narcotic substance is below the small quantity and this petitioner is in custody since 18.06.2020. It is next submitted that even if the allegation levelled in the F.I.R. taken to be true coupled with the recovery of the alleged narcotic substance is small quantity, the punishment is provided only for six months.

On the other hand, learned APP for the State opposes the bail application of this petitioner.

Having heard the submissions made on behalf of the parties and taking into consideration this fact that the recovery of narcotic substance is in small quantity and this petitioner is in custody since 18.06.2020. Let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Araria in connection with Forbesganj P. S. Case No. 430 of 2021 Corresponding to Special Case No. 21 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-



- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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