

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49794 of 2022

Arising Out of PS. Case No.-109 Year-2022 Thana- MUZZFARPUR GRP CASE District-
Muzaffarpur

MD. GUDDU @ MD. CHAND @ CHANDU S/o Late Md. Akhter Sah @
Jala Sah @ Md. Jalaludin, At present R/o Neem Chowk, Aghoriya Bazar, P.S.-
Mithanpura, District- Muzaffarpur, Permanently resident of Mohalla- Pankha
Toli Near Kabristan, P.S.- Kazimohammadpur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K., Advocate
For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 13-12-2022 Let the defect(s), as pointed out by the office be

removed within a period of four weeks from today and a hard
copy of the original main petition be filed within the aforesaid
period.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with
Muzaffarpur Rail P.S. Case No. 109 of 2022 corresponding to
N.D.P.S. Case No. 111 of 2022 registered for the offence
punishable under Sections 401 of the I.P.C. & 22(a) of the
N.D.P.S. Act.

It is alleged that the police apprehended the petitioner



and from his possession 10 tablets of Lorazepam each containing 2 mg, one piece of blade and currency of Rs. 80/- have been recovered.

Learned counsel for the petitioner submits that the recovery of 10 tablets of Lorazepam each containing 2 mg total 20 mg is small quantity and there is no allegation of any attempt of theft or trying to intoxicate anyone. There is violation of Sections 42 and 50 and other mandatory provisions of NDPS Act. There are two other cases against the petitioner but in both the cases the petitioner is on bail. Petitioner is in custody since 11.05.2022.

Learned APP for State has opposed the grant of bail of petitioner but conceded that seized quantity of narcotic substance is less than small quantity.

In the facts and circumstances of the case as also the period of custody and nature of allegation, the Court is inclined to grant bail to the petitioner. Let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of the Sessions Judge, Muzaffarpur in connection with Muzaffarpur Rail P.S. Case No. 109 of 2022 corresponding to N.D.P.S Case No. 111 of 2022, subject to following



conditions.

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(ii) If the petitioner tampers with the evidence or the witness, in that case the prosecution will be at liberty to move or cancellation of bail.

(iii) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(Sunil Dutta Mishra, J)

saaurabhkr/-

U		T	
---	--	---	--

