

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.611 of 2022

Arising Out of PS. Case No.-22 Year-2020 Thana- BALIGAON District- Vaishali

MD. TUFAIL @ TUFAIL S/o Samsey Alam R/o village- Keshopur, P.S.-
Sakra, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad

For the Opposite Party/s : Mr. Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 21-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with
Baligawn P.S. Case No. 22 (B) /2020 registered for the offences
punishable under Sections 20, 22, 23 of the N.D.P.S. Act and
Sections 25(1-b)a, 26 of the Arms Act.

As per prosecution case, one country made pistol
and two live cartridges have been recovered from possession of
co-accused Rahul Kumar. It is also alleged that 200 gram of
substance akin to Charas (like Charas) was recovered from
possession of co-accused Rahul Kumar and apprehended co-
accused Rahul Kumar has disclosed the name of the present



petitioner as one of the associates in commission of alleged occurrence.

Learned counsel for the petitioner submits that petitioner is in custody since 17.07.2021 and bears criminal antecedent of four cases in which more or less all the cases are of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is not arrested at the place of occurrence. Nothing has been recovered from possession of the petitioner. Entire seized article has been recovered from possession of co-accused Rahul Kumar. Name of petitioner has come in this case from the disclosure of co-accused Rahul Kumar. He further submits that co-accused Rahul Kumar against whom recovery was made, has already been granted bail by the Co-ordinate Bench of this Court vide Cr. Misc. No. 26254 of 2020 and the case of present petitioner stands on better footing.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, nothing has been recovered from possession of the petitioner, petitioner is not apprehended on the



spot, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1-cum Special Judge, Excise, Hajipur, Vaishali in connection with Baligawn P.S. Case No. 22 (B) /2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.



(v) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(Alok Kumar Pandey, J)

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