

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3285 of 2023

Arising Out of PS. Case No.-163 Year-2022 Thana- INDUSTRIAL District- Bhagalpur

Md. Arwaz @ Md. Arbaz, S/o Md. Shahbaz @ Md. Shahbaj, R/o Mukeri
Tola, Fatehpur, P.S.- Industrial Area, Distt- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. N. K. Agrawal, Sr. Advocate Mr. Fakhruddin Ali Ahmad, Advocate
For the Opposite Party	:	Mrs. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-04-2023 Heard Mr. N. K. Agrawal, learned senior counsel,

duly assisted by Mr. Najmul Hoda, learned counsel for the

petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Industrial Area P.S. Case No. 163 of 2022
(NDPS Case No. 97 of 2022) registered for the offences
punishable under Sections 20(b)(ii)(c) and 22 of the Narcotic
Drugs and Psychotropic Substances Act.

The police on a secret information conducted raid at
the house of co-accused Md. Zami and allegedly 7 Kg Ganja
was recovered. Ten persons have been made accused in the
present crime, however, from the F.I.R. it is evident that nothing
has been recovered from the possession of the petitioner.



Learned senior counsel appearing on behalf of the petitioner submitted that the persons, from whose possession some quantity of Ganja like substance was recovered, have been allowed the privilege of bail by learned coordinate Bench of this Court in Cr. Misc. No. 3469 of 2023 vide order dated 06.04.2023. It is next submitted that there is neither any independent witness to the seizure list nor the compliance of the mandatory provisions of Sections 50 and 52 of the NDPS Act. It is lastly submitted that the petitioner, having fair antecedent, is in custody since 22.08.2022 and now the investigation of the crime is complete.

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

Regard being had to the submissions made on behalf of the parties and considering the fact that nothing has been recovered from the possession of the petitioner and other co-accused persons have already been allowed the privilege of bail by the learned coordinate Bench of this Court, coupled with the fair antecedent, let the petitioner, named above, 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 Additional Sessions Judge-I, Bhagalpur



in connection with Industrial Area P.S. Case No. 163 of 2022 (NDPS Case No. 97 of 2022), subject to the condition that one of the bailors will be the close relatives 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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