

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26552 of 2023

Arising Out of PS. Case No.-1356 Year-2022 Thana- PHULWARISHARIF District- Patna

Md. Tahseen S/O Md. Mohsin Rizwi R/O Front Of Taj Nagar Masjid, Water
Plant, P.S.-PHULWARI Sharif, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Singh, Advocate
	:	Mr. Saurav Karn, Advocate
For the Opposite Party/s	:	Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 04-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
04.11.2022 in connection with Phulwarisharif P.S. Case
No.1356 of 2022 (Spl.NDPS Case No.06 of 2023), F.I.R. dated
04.11.2022 for the offences punishable under Section 20(b) of
the NDPS Act.

3. Recovery is of altogether 23.68 Gram of Brown
Sugar.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that from a
bare perusal of the FIR as well as the seizure list that altogether



23.68 Gram of Brown Sugar has been recovered from possession of the petitioner and other co-accused persons and 2.96 Gram of Brown Sugar has been recovered from possession of the petitioner and the recovered contraband is less than the commercial quantity so there is no embargo under Section 37 of the N.D.P.S. Act to enlarge the petitioner on bail and there is non-compliance of Sections 42 and 50 of the N.D.P.S. Act and the similarly situated co-accused persons, namely, Md. Sonu, Md. Aftab, Md. Tipu and Md. Sameer have been granted bail by different Co-ordinate Benches of this Court vide orders dated 25.05.2023, 14.07.2023 and 21.07.2023 passed in Cr. Misc. Nos. 24078 of 2023, 41691 of 2023, 39280 of 2023 and 39868 of 2023 respectively. He further submits that the police, after investigation, submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 04.11.2022.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that there is direct allegation against the petitioner. Further submits that the recovered contraband is confirmed in the F.S.L. report.

Result of Examination:-

“6-MONOACETYL MORPHINE alongwith



ALPRAZOLAM were detected in the light brown powdery substances respectively as described in the F.S.L. report.

6-Monoacetyl Morphine is an addictive, intoxicating and narcotics substances whereas Alprazolam commercially known as ALPRAX is a sedative and psychotropic substances and induces sleep when ingested”.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-IV-Spl. (NDPS), Patna in connection with Phulwarisharif P.S. Case No.1356 of 2022 (Spl.NDPS Case No.06 of 2023), subject to the 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 witnesses, in that case, the prosecution will be at liberty to move for cancellation



of bail.

III. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Nitesh/-

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

