

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18491 of 2023

Arising Out of PS. Case No.-427 Year-2022 Thana- MOUZAHDIPUR District- Bhagalpur

Sekhar Tiwari, son of Late Pramod Tiwari, resident of Village- Panna Mill
Road, Gorhatta Ps- Mojahidpur, Distt- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Mojahidpur P.S. Case No. 427 of 2022, registered for the alleged offences under Sections 21 (b), 22 (a) and 25 of NDPS Act.

3. As per prosecution case, on information that the petitioner has been selling brown sugar, he was apprehended and from his possession, cash amount of Rs.3750/- and 11 sachets of brown sugar weighing 3.170 gram were recovered apart from a mobile phone.

4. The learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Though the police was having information about the



petitioner possessing the brown sugar, but no gazetted officer was joined to make the seizure. The alleged occurrence is stated to have taken place at 17.40 hours on 07.11.2022 but the time of seizure has been shown at 19.00 hours on 07.11.2022 and the FIR is at 22.10 hours. This shows the falsity of the case of the prosecution. The charge sheet has been submitted in this case without any forensic report. Moreover the alleged recovery of 3.170 gram of brown sugar comes under the category of small quantity. The petitioner is in custody since 09.11.2022 and is having clean antecedent.

5. Learned APP opposes the prayer for bail submitting that the petitioner was apprehended with brown sugar.

6. Having regard to the facts and circumstances of the case and submissions made hereinabove and considering the recovery of small quantity of contraband shown from this petitioner and further considering the period of custody of the petitioner along with submission of charge sheet and his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Bhagalpur, in connection with Mojahidpur P.S. Case No.427 of 2022, subject to the



following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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