

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21194 of 2023

Arising Out of PS. Case No.-48 Year-2023 Thana- DAGARUA District- Purnia

Mumtaz @ Md. Mumtaz S/O- Md. Islam Village- Buriyagola P.S- Sarsi Dist-
Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Dr. Bidhu Ranjan, Advocate
For the Opposite Party/s :		Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 01-08-2023 Heard Mr. N.K. Agrawal, learned Senior counsel for
the petitioner and learned APP for the State.

Petitioner seeks bail, who is in custody since
11.02.2023, in connection with Dagarua P.S. Case No. 48 of 2023,
F.I.R. dated 10.02.2023 registered for the offences punishable
under Sections 8(c), 21(b), 25 and 29 of Narcotic Drugs and
Psychotropic Substances Act.

The case relates to recovery of 50 Grams of Brown
Sugar (*Smack*) and one mobile phone from the possession of
the petitioner.

Learned Senior counsel for the petitioner submits that
the petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that it
appears from the F.I.R. as well as seizure list that altogether 50



Grams of Brown Sugar (Smack) has been recovered from the possession of the petitioner and one mobile phone also recovered from the possession of the petitioner. He further submits that there is non compliance of Sections 42 and 50 of the N.D.P.S. Act and the recovered contraband is less than the commercial quantity and hence there is no embargo under Section 37 of the N.D.P.S. Act to enlarge the petitioner on bail. Further submits that police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 11.02.2023.

Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that the FSL report confirms that the recovered contraband is *Morphin* but fairly submits that the recovered contraband is less than the commercial quantity.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, N.D.P.S. Act, Purnia, in connection with Dagarua P.S. Case No. 48 of 2023, with the following conditions :-

(1) 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.

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

(3) 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 antecedents, 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)

Ibrar//-

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

