

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22593 of 2023

Arising Out of PS. Case No.-963 Year-2022 Thana- PURNEA SADAR District- Purnia

ASIF KHAN Son of Late Md. Naseem Khan @ Naseem Khan Resident of
village-Kalijan, Gumti No. 2, Ward No. 39, P.S.-Sadar, District-Purnea

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 28-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. Let the Defect(s) as pointed out by the office be
ignored for the present as the case is related with NDPS Act and
there is no occasion to call postmortem report in this case.

3. The petitioner seeks bail in connection with Special
Case No. 14 of 2023 (NDPS Act/CIS No. 14 of 2023) arising
out of Sadar P.S. Case No. 963 of 2022 registered for the
offence under Sections 8,(C), 21(b) of the NDPS Act.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 17.12.2022.

5. As per FIR, 10 grams of Smacks and 301 grams of
intoxicated tablets were recovered from the house of mother of
this petitioner, namely, Shabnam Khatoon.



6. Learned counsel appearing on behalf of the petitioner submitted that the implication of this petitioner is only for the reason that he is the son of main co-accused Shabnam Khatoon, who has already granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 22479 of 2023 dated 24.05.2023. It is further submitted that the compliance of Section 100(4) of the Cr.P.C. not appears to be followed in present case regarding search of premises. It is further pointed out that alleged recovery is less than commercial quantity, and as such, implication of Section 37 of the NDPS Act not appears to be followed in present case. While concluding the argument, it is submitted that petitioner is a man of clean antecedent, and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP, opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above as recovery of alleged contraband not appears to be made from the conscious physical possession of this petitioner, where recovered quantity is less than commercial quantity, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 17.12.2022,



accordingly, petitioner above named, is directed to be released on bail in connection with Special Case No. 14 of 2023 (NDPS Act/CIS No. 14 of 2023) arising out of Sadar P.S. Case No. 963 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, (NDPS Act), Purnea/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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