

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23716 of 2023

Arising Out of PS. Case No.-194 Year-2022 Thana- TATARPUR District- Bhagalpur

Md. Prince Son Of Md. Mumtaj @ Mumtaj Resident Of Village - Hossainpur,
P.S. - Mojahidpur, Distt. - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Najmul Hodda, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Tatarpur P.S. Case No. 194 of 2022 (NDPS Case No. 95/2022) registered on 16.08.2022 for the alleged offences under Sections 20 and 22 of the Indian Penal Code.

3. As per prosecution case, police received secret information about co-accused Rishi Kumar Singh selling brown sugar at a certain identified place. A raid was conducted and petitioner along with other co-accused persons were apprehended. From the possession of this petitioner, a motorcycle, about 25 gms of brown sugar kept in polythene in his right pocket, mobile phone and Rs. 1330/- were recovered. Similar recovery of brown sugar and other articles were made



from other co-accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is complete violation of the provisions of NDPS Act as well as the IPC. Learned counsel further submits that no recovery has been made from the petitioner and search and seizure is completely illegal. Charge sheet has also been submitted without any FSL report. Moreover, the recovery shown from the petitioner is 25 gms which is much less than the commercial quantity and even that recovery is planted one. A number of co-accused persons have been granted bail by Coordinate Benches of this Court vide orders dated 11.04.2023, 21.04.2023, 03.05.2023, 16.05.2023 passed in Cr. Misc. Nos. 4374 of 2023 and its analogous case, 11212 of 2023, 10085 of 2013 and 13515 of 2023, respectively. The petitioner is in custody since 17.08.2022 and charge-sheet has been submitted.

5. Learned APP opposes the prayer for bail submitting that petitioner was caught red-handed with 25 gms of brown sugar and he is having criminal antecedent.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the quantity of contraband seized which is much less than the



commercial quantity and further taking into consideration his period of custody and the submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Session Judge, Bhagalpur/court concerned in connection with Tatarpur P.S. Case No. 194 of 2022 (NDPS Case No. 95/2022), subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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 bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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