

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33328 of 2022

Arising Out of PS. Case No.-88 Year-2022 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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ARIF AHMAD @ PANKAJ S/o Kafil Ahmad R/o village- Kali Bari Road,
Ward No. 42, P.S.- Mithanpura, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ravi Ranjan, Advocate
	:	Mr. Shreyash Bhardwaj, Advocate
For the Opposite Party/s	:	Mr.Madhura Nand Jha

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 09-01-2023 Heard the learned counsel for the petitioner and
the learned APP for the State.

The petitioner seeks regular bail in connection with Muzaffarpur Town PS case no. 88 of 2022 instituted for the offences punishable under Sections 25(1-B)a, 26, 35 of Arms Act and Sections 8(c), 21(b) of N.D.P.S. Act.

The allegation is regarding the informant along with his police force having apprehended the petitioner and one other co-accused person and upon search, one countrymade pistol, two live cartridges and 2.40 gms. of smack like substance were recovered.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the



present case, he is having a clean antecedent and he is languishing in custody since 30.01.2022. The learned counsel for the petitioner has further submitted that the quantity of smack recovered from the possession of the petitioner is less than the minor quantity defined in the Schedule notified under the provisions of the N.D.P.S. Act, 1985, hence, there is no impediment in grant of bail to the petitioner.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also those available in the case diary, this Court finds that the quantity of smack recovered from the possession of the petitioner is less than the minor quantity defined in the Schedule notified under the provisions of the N.D.P.S. Act, 1985 i.e. 5 gram, apart from the fact that the petitioner is languishing in custody since about one year, hence, I deem it fit and appropriate to enlarge the petitioner on bail.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like



amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, N.D.P.S. Act, Muzaffarpur in connection with Town PS case no. 88 of 2022.

(Mohit Kumar Shah, J)

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