

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.33377 of 2022**

Arising Out of PS. Case No.-15 Year-2022 Thana- BALIYA District- Begusarai

MD. FARMAN @ MD. FERMAN S/o Md. Sabab R/o village- Chhoti Balia  
Mishrakar Tola, P.S.- Baliya, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Prakash Chandra Jha, Advocate  
For the Opposite Party/s : Mr.Madhura Nand Jha, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

4      09-01-2023                      Heard the learned counsel for the  
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Balia P.S. Case No. 15 of 2022, N.D.P.S. Case No. 04 of 2022 for the offence registered under Sections 08, 20, 21, 22 and 25 of the N.D.P.S. Act.

The case of the prosecution, in brief, is that on 15.01.2022, at about 5:00 A.M. in the morning, the informant had proceeded on patrolling duty alongwith the police force and when they had reached near Husain Chak Dhala, he received confidential information that some miscreants have assembled at village Qasba in the



orchard where Md. Jakir and others were selling and purchasing ganja/cough syrup containing psychotropic substance. It is further alleged that the informant alongwith the police force had reached at the place of occurrence and had apprehended the petitioner and some other co-accused persons and upon search, 50 gram ganja and 33 bottles of Relax cough syrup each containing 100 ml was recovered from the possession of one Md. Farman and as far as the petitioner is concerned, no psychotropic substance/cough syrup was recovered.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 16.01.2022. The learned counsel for the petitioner has also submitted that there is no recovery of any psychotropic substance from the petitioner herein, hence no case is made out as against the petitioner herein for the offences alleged.

Per contra, the learned A.P.P. 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 petitioner and taking into account the materials available on record, this Court finds that as far as the petitioner is concerned, no recovery has been made from the petitioner, hence, considering the fact that the petitioner is languishing in custody since 16.01.2022, I deem it fit and proper to direct for release of the petitioner herein on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Begusarai in connection with arising out of Balia P.S. Case No. 15 of 2022, (N.D.P.S. Case No. 04 of 2022).

**(Mohit Kumar Shah, J)**

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