

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.55866 of 2023**

Arising Out of PS. Case No.-793 Year-2022 Thana- PHULWARISHARIF District- Patna

ZAID ANWAR S/O KAISH ANWAR @ QUAIS ANWAR R/O VILLAGE-  
HAZI HARMAIN COLONY, PS. PHULWARISHARIF, DIST. PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay, Advocate  
For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      28-08-2023

Heard the parties.

The petitioner is an accused in connection with Special Case No. 109 of 2022 arising out of Phulwarisharif P.S. Case No. 793 of 2022 registered for the offences under sections 8(c) and 21(b) of the N.D.P.S. Act and sections 414 and 34 of the Indian Penal Code lodged on 08.07.2022 by the informant, Ekrar Ahmad Khan.

As per the prosecution story, the police intercepted a motorcycle. While one person managed to escape, the other one was apprehended and 6.2 gms of ‘smack’ was recovered/seized. This followed the arrest, FIR.

It is the case of the petitioner that he has been implicated by the police only because he has criminal antecedent, is in custody since 09.07.2022 (as stated in



paragraph 11 of the bail application) and in any case, the recovery/seizure of the '*smack*' is below the commercial quantity.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that he has criminal antecedent of the same nature.

Though he has criminal antecedent of the same nature, the recovery/seizure is below the commercial quantity, he has remained in custody since 09.07.2022 and as per paragraph 10 of the petition, charges have been framed on 15.02.2023, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Additional District and Sessions Judge-XVIII, Patna in connection with Special Case No. 109 of 2022 (arising out of Phulwarisharif P.S. Case No. 793 of 2022), subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;



(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

**(Rajiv Roy, J)**

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