

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56005 of 2023

Arising Out of PS. Case No.-277 Year-2020 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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MD. PARVEJ@PARWEJ SON OF LATE MD. SALIM @ SALIM WARSI
RESIDENT OF VILLAGE-FARIDIKATRA NEAR NAUSHAD
COMPUTER, PS- TOWN, DISTT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Md. Matloob Rab, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-08-2023

Heard the parties.

2. The petitioner is an accused in connection with Muzaffarpur (Town) P.S. Case No. 277 of 2020 registered for the offences under sections 20 and 22 of the N.D.P.S. Act lodged on 04.05.2020 by the informant, Fulbanj Kandukna.

3. As per the prosecution story, the police during patrolling saw a person trying to escape, caught. He was Md. Afroj @ Gabbar and 135 gms. of '*smack*' was recovered/seized which followed the FIR.

4. He gave the name of the petitioner as the person from whom he purchased the '*smack*'.

5. It is the case of the petitioner that he has neither been arrested from the spot nor any thing recovered from his



conscious possession and his name has come only on the basis of confessional statement of Md. Afroj @ Gabbar before the police, which has no evidentiary value.

6. The last submission is that the said Md. Afroj @ Gabbar has been granted bail by a co-ordinate bench in Cr. Misc. No. 32783 of 2020 (Annexure 2).

7. Learned APP for the State, on the other hand, opposes the prayer for bail.

8. Taking into account the submissions put forward by the learned Counsel for the petitioner as also that nothing has been recovered from his conscious possession and the person on whose confession, he has been taken into custody has since been granted bail, as stated above, is in custody since 21.11.2022 (as stated in paragraph 6 of the bail application), this Court is inclined to extend him privilege of bail.

9. 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 Sessions Judge-2nd, Muzaffarpur in connection with Muzaffarpur (Town) P.S. Case No. 277 of 2020, 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.

10. With the aforesaid observations, the bail
application is allowed.

(Rajiv Roy, J)

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