

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57159 of 2022

Arising Out of PS. Case No.-458 Year-2021 Thana- RAXAUL District- East Champaran

Neyaj Mian @ Neyaj Nabi S/O Late Sahadat Mian Resident Of Mohalla-
Tumaria Tola, Ward No.- 01 (Haraiya O.P.), P.S.- Raxaul, District- East
Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh

For the Opposite Party/s : Mr.Raj Kishor Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 27-02-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with
N.D.P.S. Case No. 9 of 2022 arising out of Raxaul P.S. Case
No. 458 of 2021, registered for the offences punishable
under Section 414 of the Indian Penal Code and Sections
20(b) II(b) 23/27/27(A) of the N.D.P.S. Act.

As per allegation, 21 grams of smack was
recovered from the possession of the co-accused persons.

Ld. counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. He further submits that nothing has been recovered



from the conscious possession of the petitioner. He also submits that the petitioner is not named in the FIR and his name has been disclosed by the co-accused persons who had been arrested with smack and motorcycle at the spot in order to save themselves.

He further submits that the petitioner has been languishing in jail since 12.07.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in one other case.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, particularly quantity of the alleged recovered contraband, which is much below the commercial quantity, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in



the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. 1st Additional Session Judge-cum-Spl. Judge, East Champaran, Motihari in connection with N.D.P.S. Case No. 9 of 2022 arising out of Raxaul P.S. Case No. 458 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds



of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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