

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56477 of 2022

Arising Out of PS. Case No.-67 Year-2021 Thana- MANJHAGARH District- Gopalganj

Shafi Alam @ Safi Alam S/o Rabuddin Miya @ Ravdin @ Ravdin Miyan,
Resident of Village- Bhojpurwa, P.S.- Manjhagarh, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Union of India Through The Director Narcotics Control Bureau Government of India.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Setu Prateek, Adv.
For the State	:	Mr. Anil Kumar, APP.
For the Union of India	:	Mr. Manoj Kumar Singh (CGC)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 15-02-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Trial No.15 of 2021 arising out of Manjhargarh P.S. Case No. 67
of 2021, lodged under Sections 399, 402, 414 of the Indian Penal
Code, Sections 25(1-b)a, 26(1) and 35 of the Arms Act read with
Sections 8 20(b) (II) (b) and 29 of the Narcotic Drug and
Psychotropic Substances Act, 1985.

As per prosecution case, the allegation of recovery of
NDPS material alongwith one pistol, one live cartridges and 504
gram of *charas* was alleged to be made from the possession of
petitioner.

Learned counsel for the petitioner submits that petitioner has been implicated in this case only due to the reason that his criminal antecedent is not clean. He further submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him. He also submits that compliance of Section 50 of the N.D.P.S. Act has not been made which is mandatory and, therefore, due to non-compliance of Section 50 of N.D.P.S. Act, he deserves for bail. He further submits that petitioner is in custody since 26.02.2021.

Learned counsel for the State opposes the prayer for bail and submits that antecedent of petitioner is not clean rather there are 4 criminal cases pending against him and one of the case is relating to NDPS and there is every likelihood that once he will release, he shall do the same act in the society.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner, therefore, his bail application is hereby **rejected**.

Learned Trial Court is directed to expedite the trial as early as possible.

(Dr. Anshuman, J.)

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