

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65146 of 2022

Arising Out of PS. Case No.-473 Year-2022 Thana- PHULWARISHARIF District- Patna

Jafar Ahmad Khan S/O Ahmad Zaman Khan R/O- B-79 Road, A-6 Alinagar Colony, Anisabad, P.S.- Gardanibag, District- Patna, At Present House Of Nijamuddin Ahmad, R/O Harunnagar Sector- 02, P.S.- Fulwarisharif, District- Patna

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, A.P.P

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 13-03-2023 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

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

The petitioner has preferred this application for grant of regular bail in a case registered under sections 8, 17(a) and 18(b) of the N.D.P.S Act.

As per the prosecution case, total 80.15 grams of brown sugar was recovered from the pocket and the rented room of the petitioner.

Learned counsel for the petitioner has submitted that



the petitioner is innocent and has falsely been implicated in this case. The seized contraband is more than small quantity but it is less than commercial quantity so Section 37 of the N.D.P.S Act is not applicable against the petitioner. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 08.05.2022.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

Considering the aforesaid facts and circumstances of the case, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Patna in connection with Special Case No. 61 of 2022 arising out of Fulwarisharif P.S. Case No. 473 of 2022, with a condition :-

1. The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

The application stands allowed.

(Chandra Prakash Singh, J)

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