

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.72421 of 2022**

Arising Out of PS. Case No.-244 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.  
District- Purnia

MD. AZHAR @ AZHAR @ AJHAR @ MD. AJHAR S/o Md. Mumtaz R/o  
Kamalchak Islampur (Puraini), P.S.- Jagdishpur, Distt- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                              |
|--------------------------|---|------------------------------|
| For the Petitioner/s     | : | Mr. Md Fazle Karim, Advocate |
| For the Opposite Party/s | : | Mr. Md. Ataur Rahman, A.P.P. |

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA  
ORAL ORDER**

3      19-05-2023                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since  
20.07.2022 in connection with Special Case No. 61 of 2022  
arising out of Purnea Excise P.S. Case No. 244 of 2022, F.I.R.  
dated 19.07.2022 for the offences punishable under Sections 8C,  
20(b)(ii)(B), 25 of the N.D.P.S. Act.

Recovery is of total 9.892 Kg. of Ganja which was  
kept in back seat of four wheeler and three persons including the  
petitioner were arrested on spot.

Learned counsel for the petitioner submits that  
petitioner has clean antecedent and he has falsely been impli-  
cated in the present case. He further submits that it appears from



the F.I.R. as well as seizure list that altogether 9.892 Kg. of Ganja has been recovered from the back seat of car in question. He further submits that the same is belong to co-accused persons namely, Aryan Kumar, Raj Nandan Kumar and Md. Azhar and the petitioner is the driver of vehicle in question and he has no concern at all with the alleged recovery of contraband. He further submits that the recovered contraband is less then the commercial quantity so there is no embargo of Section 37 of N.D.P.S. Act to enlarge the petitioner on bail. He further submits that similarly situated co-accused namely, Aryan Kumar and Raj Nandan Kumar have been granted bail by co-ordinate Bench of this Hon'ble Court vide order dated 28.02.2023 passed in Cr. Misc. No. 69284 of 2022. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 20.07.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the F.S.L. report confirms that the recovered substance is Ganja.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing



bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, N.D.P.S. Act, Purnea in connection with Special Case No. 61 of 2022 arising out of Purnea Excise P.S. Case No. 244 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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