

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19783 of 2024

Arising Out of PS. Case No.-561 Year-2023 Thana- MITHANPURA District- Muzaffarpur

Aarif Ahamad @ Pankaj @ Arif Ahamad S/O Late Kafil Ahamad R/O
Mohalla- Chaturbhuj Asthan, Kaali Bari Road, P.S- Mithanpura, Distt.-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Adv.

For the Opposite Party/s : Ms.Pushpa Sinha.1, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 18-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Mithanpura P.S. Case No. 561 of 2023 instituted for the
offences under Section 8(c), 20(B)(ii)(A) of the Narcotic Drugs
and Psychotropic Substances Act, 1985.

3. As per prosecution case, the police has recovered 44
pouches of Smack weighing 18 grams from the possession of
the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
He further submits that nothing incriminating has been



recovered from the conscious possession of the petitioner. He further submits that the police arrested the petitioner on 19.12.2023 but, the F.I.R. was reached in the court on 21.12.2023 which creates serious doubt over the prosecution case. There is no signature of the petitioner in the seizure list which also creates doubt in the prosecution case. The seized Smack is less than commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Section 42 and 50 of the N.D.P.S. Act. Charge-sheet has been submitted in this case. The petitioner has one criminal antecedent as has been stated in paragraph no.3 of the present bail application. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner is languishing in judicial custody since 21.12.2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of



the like amount each to the satisfaction of Court below/concerned Court in connection with Mithanpura P.S. Case No. 561 of 2023, subject to following conditions;

(i) One of the bailors shall be own/close member of the family of the petitioner.

(ii) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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