

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31672 of 2024

Arising Out of PS. Case No.-1046 Year-2023 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Md. Arman @ Nanki Son of Md. Mustak @ Bhopat Resident of Mohalla-
Majhauriya, P.S.- Sadar, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raju Kumar, Adv.

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 23-05-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner seeks bail in connection with N.D.P.S.
Case No. 193 of 2023 arising out of Muzaffarpur Sadar P.S.
Case No. 1046 of 2023 dated 18.10.2023 registered for the
offence punishable under Sections 25 (1-AA)b/26 (2)/35 of the
Arms Act read with Sections 8, 20 (b) (ii) (A) of N.D.P.S. Act.

3. The allegation is of recovery of 100 gm *Charas* like
substance, one country made pistol with live cartridge, one
mobile phone of Redmi company from the possession of the
petitioner and cash of Rs. 2,500/-.

4. Learned Counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this



case. It is submitted that petitioner has neither any concern with the alleged 100 gm *Charas* like substance nor he is indulged in trade of narcotics substance. It is submitted that petitioner has got no concern with the co-accused persons. It is submitted that 100 gm *Charas* like substance is less than the commercial quantity. It is further submitted that without obtaining Forensic Science Laboratory report, the petitioner has been made accused in this case in absence of any expert report from F.S.L. The allegation under the N.D.P.S. Act is not applicable against the petitioner. Further submission is that the mandated provision of Section 50 of the N.D.P.S. Act has not been complied by the police. It is submitted that similarly situated person, namely, Md. Monu @ Pag has been granted bail vide order dated 11.03.2024 passed in Criminal Miscellaneous No. 14952 of 2024 by this Court. Lastly, it has been submitted that the petitioner is in custody since 18.10.2023, having no criminal antecedent and charge-sheet has been submitted in the case.

5. Learned A.P.P for the State opposes the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs.



10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge-II (N.D.P.S. Act), Muzaffarpur in connection with N.D.P.S. Case No. 193 of 2023 arising out of Muzaffarpur Sadar P. S. Case No. 1046 of 2023.

(Khatim Reza, J)

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