

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34459 of 2024

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

Md. Mozahid Alam Son of Sazid @ Lambu @ Mohammad Sajid Resident of
Majhauriya, P.S.- Sadar, Dist.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

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 Section 401 of the Indian Penal Code and 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 Motorola company from the possession of the petitioner and cash of Rs. 3500/-.

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 is not 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 and accused Md. Arman @ Nanki has been granted bail by this Court *vide* order dated 23.05.2024 passed in Criminal Miscellaneous No. 31672 of 2024. Lastly, it has been submitted that the petitioner is in custody since 18.10.2023, having two criminal antecedents 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 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,



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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.
- 2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.
- 3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.
- 4. 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.

(Khatim Reza, J)

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