

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32925 of 2025

Arising Out of PS. Case No.-760 Year-2024 Thana- FORBESGANJ District- Araria

Md. Asfaque S/o Md. Mustafa R/o Village- Rampur, P.S.- Forbesganj,
District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kishore Bharti, Adv

For the Opposite Party/s : Mr.Kumar Veerendra Narayan, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 22-05-2025 Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner makes a prayer for grant of regular
bail in a case registered for the offences punishable under
Sections 21 (b) of the N.D.P.S Act

3. The FIR and the seizure list would go to show that
95 gm of brown sugar was recovered from the left pocket of the
petitioner.

4. Learned counsel for the petitioner submits that as a
matter of fact no recovery has been made from physical and



conscious possession of the petitioner and he has only been framed in the present case. The mandatory provisions of search and seizure were not followed and there is no independent witnesses to the seizure list. The recovery of the contraband is more than small quantity but much less than the commercial quantity, It is further submitted that charge sheet has been submitted in the case in the absence of FSL report. The petitioner is in custody since 21.12.2024.

5. The learned APP opposes the prayer for bail on the ground that the petitioner has one criminal antecedent of similar nature however, it has been submitted that petitioner is on bail in the said case.

6. Considering the aforesaid facts and circumstances of the case, let the above name petitioner shall be enlarged on bail on furnishing bail bonds of Rs 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/ successor court in Forbesganj P.S. Case No. 760 of 2024, subject to the condition the petitioner shall co-operate in the investigation/ trial till its conclusion and he will remain present on on each and every date till the charges are framed. 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.

(Soni Shrivastava, J)

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