

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31475 of 2018

Arising Out of P.S.Case No. -370 Year- 2017 Thana -MAUZAHDIPUR District- BHAGALPUR

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Md. Ijhar @ Md. Izhar S/o Late Md. Feku Miya @ Md. Fakruddin, R/o
Mohalla- Mogalpur, Hussainabad, P.S.- Mojahidpur (Babarganj), District-
Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. Ram Priya Saran Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 09-07-2018 Heard learned counsel for the petitioner as well as
learned APP for the State.

The petitioner is in custody in connection with
Mojahidpur (Babarganj) P.S.Case No.370 of 2017 registered for
an offence under Sections 8, 20(b)(ii)(c), 25 and 29 of the NDPS
Act.

The informant of this case is the police officer who in
course of duty apprehended four persons on two motorcycles. In
course of search a country made fire arm and 1.600 grams ganja
was recovered from the possession of the petitioner and co-
accused who were on one motorcycle.

It has been submitted that the petitioner was working as
police spy but since last few months, he left spying and thereafter
the police in order to teach lesson, has falsely implicated the
petitioner. The petitioner is involved in one more case registered



for the offence under Section 307 of the IPC in which he is on bail. The petitioner is in custody since 19.12.2017 on the allegation of recovery of 1.600 grams ganja which is excess to the small quantity.

The learned APP opposed the submissions.

Considering the aforesaid facts and circumstances, prayer for bail is allowed. Let the above named petitioner 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 Sessions Judge, Bhagalpur-cum-Special Judge, NDPS Act in connection with Mojahidpur (Babarganj) P.S.Case No.370 of 2017 with following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make themselves available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Sanjay Kumar, J)

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