

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.4521 of 2018**

Arising Out of PS.Case No. -30 Year- 2017 Thana -CHAPRA RAIL P.S. District- SARAN

- =====
1. Mithun Mazumdar, S/o Sudhir Chandra Mazumdar, R/o Village- Maruga, P.S.- Kotwali, District- Kuch Bihar, State West Bengal.
  2. Rashidul Haque S/o Wahid Ali, R/o Village- Tharae Khana, P.S.- Dinhatta, District- Kuch Bihar, State West Bengal.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Awadhesh Kumar Singh

For the Opposite Party/s : Mr. Umanath Mishra

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

4      15-03-2018                      Heard learned counsel for the petitioners and learned  
APP for the State.

Petitioners are languishing in judicial custody since 03.05.2017 in connection with N.D.P.S. Case No. 7/2017, arising out of Chapra Rail P.S. Case No. 30/2017 for offences punishable under Sections 8/20(b)(ii)(c), 22 of the N.D.P.S. Act.

The prosecution case, as lodged by the rail police officials, is that during search of Dibrugarh-New Delhi Rajdhani Express, in Coach No. A-4 at Berth Nos. 2, 4 and 6 in the trolley bag of petitioner no. 1, 15.900 kgs of ganja and 10 kgs of ganja in the trolley bag of petitioner no. 2 was recovered. While in the case of other co-accused 10 kgs of ganja was recovered from his trolley



bag. Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the petitioners that they are innocent, the trolley bag did not belong to them, they were mere passengers, charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioners. He submits that one of the co-accused, apprehended along with the petitioners, on similar allegation, has since been granted privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 36727 of 2017 vide order dated 03.01.2018.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J.- 1<sup>st</sup> cum Special Judge (NDPS Act), Saran at Chapra, in connection with N.D.P.S. Case No. 7/2017, arising out of Chapra Rail P.S. Case No. 30/2017.

**(Nilu Agrawal, J)**

Rajesh/-

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