

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49183 of 2018

Arising Out of PS.Case No. -7 Year- 2018 Thana -MUZFFARPUR GRP CASE District -
MUZAFFARPUR

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Imamul Haque Barbhuiya @ Imanul Haque Barbhuiya @ Imanul Haque,
Son of Enamul Haque Barbhuiya, Resident of Village- Bauri Kandi, Police
Station- Sonai, District- Chachar (Assam).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 25-09-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in **Muzaffarpur Rail P.S. Case**
No.07 of 2018 instituted for the offence under Section(s) 20/22 of
the NDPS Act.

Counsel for the petitioner submits that petitioner is
in custody since 12.01.2018. Investigation is, now, complete and
charge-sheet has also been submitted. Petitioner has no concern
with aforesaid Ganja.

In the written report, it is alleged that police got
confidential information about smuggling of Ganja by Awadh
Assam Express. The informant reached on platform no.3 and
found one person having a trolley bag got down from the train.



On seeing the police party, he started fleeing away, but he was apprehended by the police, who disclosed his name as Enamul Haque Barbhuiya. In presence of two independent witnesses, search was made and 11 kg. Ganja was recovered.

It is submitted that the trolley bag does not belong to the petitioner and the same was of one Santosh Kumar, who on seeing police party had fled away. It is further submitted that during search mandatory provision of Section 50 of the NDPS Act have not been followed. It is further submitted that 11 Kg. Ganja is below the commercial quantity.

Keeping in view the period spent by the petitioner in custody, prayer of the petitioner for grant of bail is allowed. Let the petitioner, above named, 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 the **Sessions Judge-cum-Special Judge, Muzaffarpur**, in connection with **Muzaffarpur Rail P.S. Case No.07 of 2018**, subject to the condition that both the bailors shall be close relative of the petitioner.

Petitioner will remain present on each and every date of trial and his absence on two consecutive date(s) without any reasonable cause will make his bail bond liable to be cancelled. Further, the petitioner will not delay the trial and will



not try to influence the witnesses during trial.

(Sanjay Priya, J)

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Rohit Kr.

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