

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7983 of 2019

Arising Out of PS. Case No.-780 Year-2018 Thana- KISHANGANJ District- Kishanganj

1. Afzal Hussain, Son of Abdul kalam, Resident of Village - Sarsar, P.S.- Dalkola, Distt.- Uttar Dinazpur (West Bengal)
2. Kari @ Pawan Gupta, Son of Shib Kumar Sah, Resident of Village - Line Para, Distt. Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh
For the Opposite Party/s : Mr.Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-02-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner No.1 and petitioner No.02 are languishing in custody since 30.12.2018 and 31.12.2018 respectively in connection with Kishanganj P.S. Case No.780 of 2018 (Special Case No.17 of 2018) registered for the offences punishable under Sections 27, 29 of the N.D.P.S. Act.

Prosecution case as per the written report of Keshav Ojha, Sub Inspector of Police, Kishanganj submitted to S.H.O. Kishanganj P.S. is to the effect that on 28.12.2018 at 7.30 P.M., he received an information to the effect that in the Sheo Temple lane, some persons are consuming smack whereupon a raid was laid, and on seeing the police party, one person started fleeing away and on chase being made, he was apprehended, who



disclosed his name as Md. Aashik Ali. On frisking, four small packets of smack and 14 lottery tickets were recovered. It is further alleged that he further disclosed that he used to consume the smack in the house of Kari @ Pawan Gupta, petitioner No.2 whereupon a raid was laid on the house of of the petitioner from where two persons were apprehended, namely, Vikas Kumar and Manish Kumar. It is further alleged that the co-accused, Md. Ashik Ali also named the petitioner No.1.

It is submitted by learned counsel for the petitioner that recovery has not been made from the possession of the petitioners and a statement has been made in paragraph no.3 of the bail application to the effect that the petitioners are not having any criminal antecedent.

Learned A.P.P. has vehemently opposed the prayer for bail and submits that the name of the petitioners sprang up from the statement of apprehended co-accused persons.

Considering the nature of accusation, no recovery being made from the possession of the petitioner coupled with the statement made in para 3 of the bail application that the petitioners are not having any criminal antecedent, let the above named petitioners be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like



amount each to the satisfaction of learned Sessions Judge-cum-Special Judge (N.D.P.S. Act), Kishanganj in connection with Kishanganj P.S. Case No.780 of 2018 (Special Case No.17 of 2018).

(Dinesh Kumar Singh, J)

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