

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17266 of 2019

Arising Out of PS. Case No.-384 Year-2018 Thana- KISHANGANJ District- Kishanganj

Asif Azad @ Chhotu @ Md. Asif Azad, Son of Late Maslehuddin Resident of
Village- Pani bagh (Near Panibagh Hatia Chowk), P.S. and District-
Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar
For the Opposite Party/s : Mr.Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-03-2019 Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 27 and 29 of the
N.D.P.S. Act.

The prosecution case, as per the self statement of Md.
Aftab Ahmad, Inspector of Police-cum-S.H.O. of Kishanganj
Police Station recorded on 08.06.2018, is to the effect that on
the same day at about 5 P.M., on secret information, five
persons were intercepted. On search being made, from
apprehended co-accused, Md. Saheb Alam, four sachets of



smack were recovered. The apprehended co-accused persons disclosed the name of the petitioner as the person who supplied them smack.

It is submitted by learned counsel for the petitioner that admittedly, no recovery has been made from the conscious physical possession of the petitioner and he was not apprehended from the spot. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the name of the petitioner sprang up on the confession of apprehended co-accused persons.

Considering the fact that no recovery has been made from the conscious physical possession of the petitioner, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, N.D.P.S. Act, Kishanganj in connection with Special Case No. 11 of 2018, arising out of Kishanganj P.S.



Case No. 384 of 2018, subject to the condition as laid down
under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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