

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21752 of 2019

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

MD. SAJJAD, aged about 25 years, Male, Son of Md. Asfaque, Resident of
Village- Line Gariban, P.S.- Kishanganj, District- Kishanganj
... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Binay Kumar, Adv.

For the Opposite Party : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 09-04-2019 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

The petitioner is languishing in judicial custody since 31.12.2018 in connection with Special Case No. 17 of 2018 arising out of Kishanganj P.S. Case No. 780 of 2018 for the offences alleged under Sections 27 and 29 of the Narcotic Drugs and Psychotropic Substances Act and under Section 4 of the Bihar Ban on Lottery Act, 1993.

The prosecution case, as lodged by the police personnel, is that on secret information that some persons are consuming smack near the Shiv Mandir street, the police conducted a raid and apprehended co-accused, Md. Asik Ali. From his possession 670 mili gram of smack and 14 lottery tickets were recovered, who disclosed that he consumes smack in the house of Kari @ Pawan Gupta. A raid was conducted in



the house of Kari @ Pawan Gupta and co-accused Vikas Kumar and Manish Kumar were apprehended. Accordingly, seizure lists were prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and his name surfaced on the confessional statement of the apprehended co-accused before the police, which has no evidentiary value in the eye of law. He submits that the said contraband item has not been recovered from his possession and co-accused, who were apprehended in the house of Kari @ Pawan Gupta as well as Kari @ Pawan Gupta have already been granted the privilege of bail by coordinate Benches of this Court in Cr. Misc. No. 7983 of 2019, dated 13.02.2019, and Cr. Misc. No. 8634 of 2019, dated 14.02.2019. He, further, submits that the apprehended co-accused has also been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 19397 of 2019 on 01.04.2019.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the nature of allegation and that nothing has been recovered from the possession of the petitioner as well as the fact that the petitioner does not bear any criminal



antecedent, as stated in paragraph 3 of the present application, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Special Case No. 17 of 2018 arising out of Kishanganj P.S. Case No. 780 of 2018 to the satisfaction of the learned Sessions Judge-cum-Special Judge, NDPS Act, Kishanganj.

(Nilu Agrawal, J)

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