

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.23991 of 2019

Arising Out of PS. Case No.-2 Year-2019 Thana- BEGUSARAI TOWN District- Begusarai

MOHARAM ALI, Male, aged about 26 years, Son of Md. Aiyub, Resident of
Bhanera Udda, P.S.- Bhavan Town, District- Shamli (Uttar Pradesh)
... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. N.K. Agrawal, Sr. Adv. with
M/s Saket Tiwary & Saket Gupta, Advs.
For the Opposite Party : Mr. Pancha Nand Pandit, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 16-04-2019 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor appearing for the State.

The petitioner seeks bail in connection with
NDPS Case No. 1 of 2019 arising out of Begusarai Nagar P.S.
Case No. 2 of 2019 for the offences alleged under Sections 8,
20(b)(II)(B) and 22 of the Narcotic Drugs and Psychotropic
Substances Act.

The prosecution case, as lodged by the police
personnel, is that on secret information that some persons are
dealing in ganja, the police started vehicle checking. A vehicle
was intercepted and the petitioner along with two others were
apprehended. On search, 1.30 Kg ganja was recovered under
the seat of the vehicle. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history and
nothing has been recovered from his conscious possession. He
submits that one of the co-accused, apprehended along with the
petitioner, has been granted the privilege of bail by a coordinate



Bench of this Court in Cr. Misc. No. 18141 of 2019, dated 02.04.2019, and that it was a small quantity recovered which was not for commercial trade.

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

Considering the nature of allegations and that one of the co-accused have been granted the privilege of bail, coupled with the fact that that the petitioner does not bear a 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 NDPS Case No. 1 of 2019 arising out of Begusarai Nagar P.S. Case No. 2 of 2019 to the satisfaction of the learned Special Judge NDPS Act-cum-Sessions Judge, Begusarai, or the successor Court subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

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