

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25772 of 2019

Arising Out of PS. Case No.-440 Year-2018 Thana- SIKARPUR District- West Champaran

Md. Sunny son of Md. Safique, Resident of Prakash Nagar, Ward No. 12, P.S. Shikarpur, District West Champaran. (Bihar).

	Versus	 Petitioner/s
The State of Bihar		 Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Sunil Kumar Pathak, Advocate
For the Opposite Party/s :	Mr. Ajay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 05-08-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner who is in custody since 27.11.2018 has filed the instant application for grant of bail in connection with Shikarpur P.S. Case as No. 440 of 2018 registered for the offence punishable under sections 21(B), 22(B) and 23(B) of the N.D.P.S Act and section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the allegation in the FIR, on receiving secret information, the informant along with other police personnel conducted raid. It is alleged that in spite of the police personnel stopping the accused, an attempt was made by them to escape on motorcycle, however, three persons including the petitioner were caught. It is alleged that 43 sachets of smack from the petitioner, 15 from Abdul Gaffar and 28 from Meraj were



recovered. The total quantity of the recovered smack was 35 grams.

It is submitted by learned counsel for the petitioner that the allegations levelled in the FIR are false, no articles as alleged have been recovered, the petitioner has no criminal antecedent and co-accused Meraj has been enlarged on bail by order dated 28.05.2019 passed in Cr. Misc. No. 34853 of 2019.

The application for bail was opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the fact that the co-accused Meraj has been enlarged on bail by order dated 28.05.2019 passed in Cr. Misc. No. 34853 of 2019, the Court is inclined to enlarge the petitioner on bail. Let the petitioner be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise, West Champaran at Bettiah in connection with Shikarpur P.S. Case No. 440 of 2018.

(Partha Sarthy, J)

Prakash/-

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