

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52215 of 2019

Arising Out of PS. Case No.-70 Year-2019 Thana- AMAUR District- Purnia

SHAMSHER ALI, aged about 40 years, Male, Son of Late Rosid Ali,
Resident of Village - Chand Kutti, P.S.- Din Hatta, District- Cooch Bihar
(WesBengal)

... .. 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.Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 20-11-2019 Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 20(b)(c), 21(b) 25 of NDPS Act and Sections 18(c) 27(b) (ii) of the Drugs and Cosmetic Act, 1940.

The informant who is a Police Officer in his self-statement has stated that on receiving secret information that three persons Md. Shaminm, Md. Rauf and Md. Nasim are involved in sell and purchase of contraband articles, as such their joint house was raided from where, they were apprehended and from their possession, 22 k.g. *ganja* and 960 cough syrups were recovered.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case as he has no concern with the accused who are involved in sell and purchase of contraband articles. It has further been stated that he



was apprehended on the spot but nothing was recovered from his conscious possession and he was present there as labourer. Similarly situated person Niraj Kumar Mandal has already been granted bail by a co-ordinate Bench of this Court vide order dated 30.08.2019 passed in Cr. Misc. No.53654 of 2019. Petitioner has no criminal antecedent and he is in custody since 31.05.2019.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Amour P.S. Case No.70 of 2019 giving rise to Special Case No.15/2019, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the



evidence or the witnesses of the case, in that case,
prosecution will be at liberty to move for cancellation of
bail of the petitioner.

(S. Kumar, J)

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