

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84045 of 2019

Arising Out of PS. Case No.-115 Year-2019 Thana- JOGBANI District- Araria

MD. ASAF @ MD. ASAB @ ASAB S/O Md. Jalil Resident of Village -
Indranagar, Tikulia Basti, W.N. -10, P.S.- Jogbani, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar Singh

For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-12-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 28.9.2019 in a case registered for the offences punishable under Sections 414/34 of the I.P.C. and Sections 27(b)(ii), 28 and 36 of the Drugs and Cosmetic Act.

The prosecution case as per the written report of SI Chandan Singh of SSB submitted to the SHO, Jogbani Police Station is to the effect that on secret information the informant along with other SSB personnel intercepted a motorcycle coming from Forbesganj side and recovered 108 pieces Digelab injection, 180 pieces Nitrosan medicine and Nepalese currency of the value of Rupees Twenty Two Thousand. The apprehended person disclosed his name as Ranjeet Kumar who suggested that he is bringing the medicines from one Pappu



Kumar and going to deliver to one Bhola and the petitioner.

It is submitted by learned counsel for the petitioner that the recovery has not been made from the possession of the petitioner. The investigation has already been concluded. Though the petitioner is accused in one other case of similar nature but he is on bail in that case. It is further submitted that co-accused Md. Bhola Sah alias Bhola has been granted bail vide order dated 11.7.2019 passed in Cr. Misc. No. 42194 of 2019 by a Co-ordinate Bench of this Court and co-accused Ranjeet Kumar Mandal from whose possession recovery has been made, has also been granted bail vide order dated 26.6.2019 passed in Cr. Misc. No. 37891 of 2019 by a Co-ordinate Bench of this Court.

Learned APP submits that the name of the petitioner sprang up on the statement of co-accused Ranjeet Kumar Mandal from whom recovery has been made.

Considering the fact that other co-accused have been granted bail by Co-ordinate Benches of this Court, investigation has already been concluded, recovery has not been made from the possession of the petitioner and the period in custody, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the



like amount each to the satisfaction of the learned ACJM I,
Araria in connection with Jogbani P.S. Case No. 115 of 2019.

(Dinesh Kumar Singh, J)

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