

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21286 of 2021

Arising Out of PS. Case No.-18 Year-2020 Thana- JOKIHAT District- Araria

HAMID SHEKH Son of Jajimuddin Resident of Village - Khitaber Kuti Ward
No.01, P.s.- Dinhata, Distt.- Kuch Bihar (West Bengal)

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through the Director General, Narcotic Control Bureau,
New Delhi. Govt. of India.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana
For the Opposite Party/s : Mr. Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 07-07-2021 Heard Mr. Mukesh Kumar Rana, learned counsel for

the petitioner and Mr. Jharkhandi Upadhyay, learned counsel
appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with
Special Case No. 01 of 2020 corresponding to Jokihat P.S. Case
No. 18 of 2020 registered for the offence under Section 20 / 22 /
23 of the N.D.P.S. Act.

This is second attempt for bail on behalf of the
petitioner inasmuch as earlier the bail application of the
petitioner was rejected by this court in Cr. Misc. No. 23942 of
2020 with liberty to the petitioner to renew his prayer for
regular bail afresh after three months.



The prosecution case is that Police recovered 2 K.G. of 'Ganja' from the possession of the petitioner.

Learned counsel for the petitioner submits that petitioner has got no criminal antecedent and psychotropic substance which has been recovered from the possession of the petitioner does not come under commercial quantity. Learned counsel next submits that petitioner has got no criminal antecedent and he is in custody since 20.1.2020. Learned counsel next submits that charge sheet has already been submitted and there is no likelihood that petitioner will abscond or tamper with the evidence if released on bail.

Having heard learned counsel for the parties and taking into consideration the materials available on record, the fact that this is second attempt for bail on behalf of the petitioner and 'Ganja' recovered from his possession is not commercial quantity, he is in custody since 20.01.2020 and charge sheet has already been submitted, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Araria in



connection with Special Case No. 01 of 2020 corresponding to
Jokihat P.S. Case No. 18 of 2020 on the following condition:-

*(i) that the petitioner shall remain
present on each and every date during the
course of trial and in case of default on two
consecutive dates on the part of the
petitioner, his bail bond shall liable to be
cancelled.*

It is made clear that at the time of furnishing bail bond
all the parties shall follow the guidelines regarding social
distancing.

(Anil Kumar Sinha, J)

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