

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29680 of 2021

Arising Out of PS. Case No.-126 Year-2020 Thana- JALALGARH District- Purnia

MD. SULEMAN Son of Md. Abul Resident of Village - Rahuwa, Ward No-
16, P.S.- Bausi Basaiti, District – Araria Petitioner/s
Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh
For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-12-2021 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with Jalalgarh PS case no. 126 of 2020 instituted for the offences punishable under Sections 272, 273 of Indian Penal Code, 21(a)(b) of N.D.P.S. Act and 30(a) of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding two accused persons having been apprehended while they were coming on a motorcycle, while the third accused person managed to escape. It is stated that 75 bottles of 100 ml each of Syrup containing Codeine Phosphate were recovered.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is



languishing in custody since 13.10.2020. It is further submitted that co-accused persons have already been granted bail vide order dated 24.03.2021, passed by a co-ordinate Bench of this Court in Cr. Misc. no. 5212 of 2021. Lastly, it is submitted that the quantity of Codeine could not be ascertained and in any case, the quantity is very small.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties and perused the materials on record, from which it is apparent that the petitioner is having a clean antecedent and is languishing in custody since 13.10.2020, apart from the fact that similarly situated co-accused person has already been granted bail by a co-ordinate Bench of this Court. Thus, I deem it fit and proper to admit the petitioner to the privilege of bail. Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Special Judge, N.D.P.S. Act, Purnea in connection with Jalalgarh PS case no. 126 of 2020.

(Mohit Kumar Shah, J)

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