

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30453 of 2021

Arising Out of PS. Case No.-547 Year-2020 Thana- HARSIDHI District- East Champaran

MD SHAMSAD @ SHAMSAD S/o Ash Mohammad Resident of Village-
Madhopur, P.S.- Sadar Muzaffarpur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prateek Tandon, Advocate.

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 02-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Petitioner who is in custody since 19.02.2021 seeks
regular bail in connection with N.D.P.S. Case No. 75 of 2020
arising out of Harsidhi P.S. Case No. 547 of 2020 registered for
offences punishable under Sections 399, 402, 411, 412, 413 of
the Indian Penal Code, Sections 25(1-b)a, 26/35 of the Arms Act
and Sections 21, 22 of the Narcotic Drugs and Psychotropic
Substances Act (N.D.P.S. Act).

Prosecution case in brief is that some miscreants have
assembled to commit loot of truck and when the police party
intercepted the vehicle in question the accused persons who
were seven in numbers tried to flee away, however, all the seven



persons were apprehended.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that similarly situated co-accused namely Ramdhani Sahani has already been released on bail by this Court vide order dated 05.01.2022 passed in Cr. Misc. No. 27304 of 2021. He further submits that other co-accused against whom there is specific allegation and they were apprehended have also been released on bail. So far as the present petitioner is concerned, he has been made accused on the basis of confessional statement of co-accused who were apprehended on the spot. Nothing has been recovered from the conscious possession of the petitioner. Petitioner is in custody since 19.02.2021. Hence the petitioner is entitled to be released on bail.

Learned A.P.P. has opposed the prayer for grant of bail to the petitioner and submits that there are two criminal cases pending against him, as such the involvement of the petitioner in the present case cannot be ruled out. Hence the petitioner does not deserve to be released on bail.

Considering the facts and circumstances of the case, period of custody of the petitioner, nothing has been recovered from the conscious possession of the petitioner and similarly



situated co-accused persons have already been granted bail, the petitioner above named, is directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge/Special Judge, NDPS act, East Champaran, Motihari in connection with N.D.P.S. Case No. 75 of 2020 arising out of Harsidhi P.S. Case No. 547 of 2020 subject to the following conditions:

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

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court

(iii) 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.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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