

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36943 of 2021

Arising Out of PS. Case No.-53 Year-2020 Thana- PURNEA SADAR District- Purnia

MD. ISRAIL S/O ABDUL HAQUE R/O LAL BATHANI, MUKHIYA
TOLA, P.S-SAHEBGANJ (MUFFASIL), DISTRICT-SAHEBGANJ
(JHARKHAND).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarveshwar Tiwary, Adv.

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 07-01-2022 Heard learned counsel for the parties through video
conferencing.

The petitioner has preferred this application for grant
of regular bail in a case registered under sections 8, 21 and 22 of
the N.D.P.S. Act.

As per the prosecution case, about 200 gms of
brown sugar is said to have been recovered from the petitioner.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from the
petitioner's possession who has been falsely implicated in the
case. Even accepting the allegations levelled in the F.I.R., the
quantity alleged to have been recovered is less than the
commercial quantity. The petitioner has no criminal antecedent



and is in custody since 4.2.2020. Chargesheet has been submitted in the case. The case of the petitioner stands on a similar footing to that of co-accused Shaifuddin who has been enlarged on bail vide order dated 24.8.2021 (Annexure-2) passed in Cr. Misc. no.8785 of 2021.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the petitioner having remained in custody for more than 1 year 11 months and grant of bail to the above named co-accused, the Court directs the petitioner to be enlarged on bail in connection with Special Case no.2 of 2020/CIS no. N.D.P.S. Case no.2 of 2020 (arising out of Purnea Sadar P.S. Case no.53 of 2020) on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge, N.D.P.S. Act, Purnea.

(Partha Sarthy, J)

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