

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38054 of 2021

Arising Out of PS. Case No.-75 Year-2021 Thana- MAJORGANJ District- Sitamarhi

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MUSTAFA KHAN @ MUSTABA KHAN Son of Abdul Jabbar Khan
Resident of Village- Jale, P.S.- Jale, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar

For the Opposite Party/s : Mr. Humayou Ahmad Khan

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

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

Petitioner seeks regular bail in connection with Mejorganj P.S. Case No. 75 of 2021 registered for the offence under Sections 8 / 20 (b) (II) (B) of the N.D.P.S. Act.

Prosecution story in brief is that S.S.B. Officials on the basis of secret information intercepted a *tempo* and recovered 4 Kg of *Ganja* kept in the *tempo* between the legs of the co-accused / Rupa Devi. The petitioner and others were found sitting in the *tempo*.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case merely because he was sitting in the *tempo*. He further submits that petitioner was travelling in the *tempo* as a passenger and was



not aware about *Ganja* kept by the co-passenger / Rupa Devi. He further submits that petitioner has got no criminal antecedent and the co-accused / Taukir Khan has been granted bail by a Co-ordinate Bench of this court in Cr. Misc. No. 39003 of 2021 and the petitioner is in custody since 04/05/2021.

Regard being had to the submissions made by the parties, taking into consideration the materials available on record, the fact that co-accused has been granted bail by a Co-ordinate Bench of this Court, petitioner has got no criminal antecedent, he is in custody since 04/05/2021 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. 20000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Sitamarhi in connection with Mejorganj P.S. Case No. 75 of 2021.

(Anil Kumar Sinha, J)

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