

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40916 of 2021

Arising Out of PS. Case No.-17 Year-2021 Thana- KORANSARAI District- Buxar

Raish Khan @ Raisu Khan S/O Late Al Hussain Khan R/O Village- Mathila,
P.S.- Koransarai, District- Buxar

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Harun Quareshi

For the Opposite Party/s : Mr. Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-01-2022 Heard the learned counsel for the petitioner and the
learned APP for the State through video conferencing.

The petitioner seeks bail in connection with
Koransarai P. S. Case No.17 of 2021, instituted for the offences
under Sections 20, 21, 22 of the N.D.P.S. Act

The learned counsel for the petitioner submits that the
petitioner is in custody since 20.02.2021, he is a person with
clean antecedent and charge-sheet has been submitted in the
case.

The learned counsel for the petitioner submits that the
informant alleges that two accused persons on seeing the police
started fleeing while two persons fled, but were arrested and
disclosed their name as Saroj Singh and Punit Kumar and both
the persons also disclosed that the person who fled away from



the place of occurrence as petitioner. It is further alleged that on search, from Saroj Singh, 6.62 grams of Heroine like substance in seven sachets was recovered and from Punit Kumar, 7.820 grams of Heroine like substance kept in eight sachets was recovered and on query, both the accused disclosed that they purchased the Heroine from Raish Khan.

The learned counsel for the petitioner submits that admittedly, the petitioner was not apprehended at the place of occurrence and his name came on the confessional statement of co-accused and it is alleged that they had purchased the said narcotics from the petitioner. The learned counsel submits that petitioner has been falsely implicated in this case. Confessional statement before police has no evidentiary value in the eye of law and petitioner is a person with clean antecedent and even presuming what has been alleged in the F.I.R. to be true then also the alleged recovery is little more than the small quantity.

The learned A.P.P. for the State opposes the bail application.

Considering the fact that the petitioner is in custody since 20.02.2021, he is a person with clean antecedent, charge-sheet has been submitted in the case and his name came based on the confessional statement and the recovery of narcotic was a



little more than the small quantity, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District Judge-cum-Special Court, N.D.P.S. Act, Buxar in connection with Koransarai P. S. Case No.17 of 2021, subject to condition that one of the bailers shall be the brother-in-law (Mohammad Kudus Khan) of the petitioner.

The application stands allowed.

(Satyavrat Verma, J)

vikash/-

U		T	
---	--	---	--

