

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43306 of 2022

Arising Out of PS. Case No.-118 Year-2022 Thana- JOGBANI District- Araria

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Md. Jubair Alam S/o Md. Saukat, Resident of Shanti Nagar, Ward No.- 6,
P.S.- Raniganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Samir Kumar, Adv.

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 23-12-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with
Jogbani P.S. Case No. 118 of 2022, lodged under Sections 20,
21(B), 22 & 23 of the N.D.P.S. Act.

As per prosecution case, the F.I.R. has been lodged
against 3 accused persons from whom the collective recovery of
smack of 250 gram but individually from the possession of
petitioner 70 gram of smack has been recovered, which is the
subject matter of present case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further

submits that as per prosecution, the said recovery of smack which is 70 gram lies between small quantity and commercial quantity. Learned counsel for the petitioner further submits that petitioner is in custody since 17.04.2022 and his antecedent is clean.

Learned counsel for the State opposes the prayer for bail and submits that collectively 250 gram, smack which is commercial quantity has been recovered but individually also it is a quantity which is more than small quantity i.e. only 5 gram.

Upon specific query that whether charge has been framed or not, learned counsel for the petitioner submits that as per his knowledge, charge has already been framed in this case.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner, therefore, his bail application is hereby rejected.

Learned Trial Court is directed to conclude the trial at the earliest possible and preferably within one year from the date of framing of charge.

(Dr. Anshuman, J.)

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