

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2139 of 2022

Arising Out of PS. Case No.-383 Year-2020 Thana- PHULWARISHARIF District- Patna

MD. JUMRATI Son of Md. Jafar Resident of Village- Gulestan Mohalla, P.S.-
Phulwarisharif, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay

For the Opposite Party/s : Mr. Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 29-11-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Special
Case No. 100 of 2020 arising out of Phulwarisharif P.S.
Case No. 383 of 2020, registered for the offences
punishable under Sections 20 and 22 of NDPS Act.

The prosecution case as emerging from the FIR is
that the informant along with the police party had conducted
raid from which twenty *puriyas* of contraband were
recovered from the accused persons.

The learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in



this case. He further submits that the alleged recovery is much less than commercial quantity. He also submits that similarly situated co-accused persons namely, Md. Tipu and Md. Mister have already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 27.09.2021 passed in Cr. Misc. No. 25510 of 2021. He further submits that investigation of this case is complete, charge-sheet has been submitted and even charge has been framed.

The petitioner has been languishing in jail since 15.07.2020.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has been made accused in one more case, namely, Shastri Nagar P.S. Case No. 185 of 2015.

However, the learned APP for the State opposes the prayer for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on



bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Additional Sessions Judge-IX, Patna in connection with Special Case No. 100 of 2020 arising out Phulwarisharif P.S. Case No. 383 of 2020 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the



bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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