

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13152 of 2023

Arising Out of PS. Case No.-102 Year-2022 Thana- SURSAND District- Sitamarhi

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AARZU RAEEN @ ARZU RAIN @ AARJU RAYEEN, Son of Subhan Rain
@ Md. Subhan Rayeen, Resident of Hanuman Nagar, Ward No.- 11,
Shrikhandi Bhatta, P.S.- Sursand, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ansul, Advocate, Mr. Ashhar Mustafa, Advocate, Mr. Adiya Pandey, Advocate
For the Opposite Party/s	:	Mr. Yogendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 7 06-10-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.
2. Petitioner seeks regular bail in connection with
Sursand P.S. Case No. 102 of 2022 dated 03.03.2022 registered
for the offence(s) punishable under Section(s) 414 of the Indian
Penal Code and Sections 8(c)/20(b) (ii) (c)/22 (c)/23 (c)/ 25/29
of Narcotic Drugs and Psychotropic Substances Act.
3. This is second attempt of the petitioner for the
relief of regular bail after his earlier attempt for the said relief
was rejected by this court vide order dated 01.09.2022 passed in
Cr. Misc. No. 29444 of 2022.
4. The main submissions advanced by learned counsel



for the petitioner are that though the instant matter relates to the recovery of huge commercial quantity of *Ganja* but the same is stated to have been recovered from the house of co-accused Avinash Kumar @ Vicky and from a Scorpio vehicle and the petitioner was implicated merely on account of his presence at the said house of the co-accused at the time of raid, except this there is no any other allegation against him and he had no connection with the house of co-accused as well as the seized Scorpio vehicle from which the alleged contraband was recovered and he has been languishing in jail since 04.03.2022 and he has fair and clean antecedent and his trial has started.

5. Learned APP appearing for the State has opposed the bail prayer but fairly accepted that the recovery of alleged contraband was not made from the possession of the petitioner.

6. Heard both the sides and perused the FIR, seizure memo, case diary and the report sent by the trial court. Though, the instant matter relates to the recovery of huge commercial quantity of the alleged contraband namely *Ganja*, but the recoveries are alleged to have been made from the house of co-accused and a vehicle and the petitioner has been made accused merely on account of his presence at the alleged places of recovery and he has taken the plea that he has no connection to



the alleged house and vehicle and he has been languishing in jail since 04.03.2022 and he is stated to be a young person and as per the report of trial court, his trial has started and charges have been framed upon him but till the date of sending of the report, no prosecution witness has been examined which shows the petitioner's case being at initial stage of trial, in my opinion, in the said circumstances, the petitioner now deserves to the privilege of bail. Accordingly, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Sursand P.S. Case No. 102 of 2022.

(Shailendra Singh, J)

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