

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27238 of 2023

Arising Out of PS. Case No.-184 Year-2021 Thana- JALALGARH District- Purnia

Md. Ibrahim @ Ibrahim S/O Abdul Salam Resident of Village- Pankhuwa,
P.S.- Jalalgarh, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 05-06-2023 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.

The petitioner seeks regular bail in connection with
Special Case (NDPS Act) No. 75 of 2022 /CIS No. 75 of 2022
arising out of Jalalgarh P.S. Case No. 184 of 2021 lodged under
Sections 08/20(b)(ii)(B)/22 of the NDPS Act.

As per the prosecution case, the F.I.R. has been
lodged against the petitioner and the recovery of 5 kg *Ganja*
was alleged to be made from the house of the petitioner.

Learned counsel for the petitioner submits that the
petitioner is innocent and basically a victim of this case.
Counsel for the petitioner submits that from the contents of the
F.I.R., it is crystal clear that at the time of raid, the petitioner
was not present at the house and none of the family members

were also present in the house. Counsel submits that the said raid was made in gross violation of Section 100 of Cr.P.C. as well as the provisions of Section 50 of the N.D.P.S. Act. Counsel further submits that from the seizure list also, it transpires that there is gross violation of law. Counsel submits that the antecedent of the petitioner is clean and he is in custody since 16.11.2022.

Learned counsel for the State opposes the prayer for bail and submits that the recovered *Ganja* is less than the commercial quantity.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, N.D.P.S. Act, Purnea in connection with Special Case (NDPS Act) No. 75 of 2022/ CIS No. 75 of 2022 arising out of Jalalgarh P.S. Case No. 184 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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