

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21504 of 2022

Arising Out of PS. Case No.-396 Year-2021 Thana- AURANGABAD TOWN District-
Aurangabad

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JAGARNATH BHUIYAN, S/o Jiswar Bhuiyan @ Jishoran Bhuiya, R/o
village- Hesat, P.S.- Monika, District- Latehar, (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 02-01-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Aurangabad
Town P.S. Case No. 396 of 2021 registered for the offence
punishable under Sections 15, 18, 19 and 29 of the N.D.P.S. Act.

The prosecution case alleges that the police received
secret information about some persons bringing Doda powder with
them, and petitioner and two other co-accused persons were
apprehended. From the possession of the petitioner, 39.760 Kg of
Doda powder was recovered. From the other two co-accused persons
further recovery of about 46 Kg and 11.225Kg of Doda powder
respectively was made.

Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this case.



The petitioner has no concern with the contraband as he was carrying luggage from the bus as a “coolie”. Forensic report does not support the prosecution case. Recovery alleged is less than commercial quantity and petitioner is in custody since 13.09.2021. Chargesheet has been submitted and co-accused Manuar Miya @ Manauwar Ali has been allowed bail on 09.11.2022 in *Cr. Misc. No. 70348 of 2021*.

Learned APP for the State has opposed the prayer for bail. It is submitted that the recovery of huge quantity of Doda powder has been made from this petitioner, which is just below the commercial quantity. However, learned APP is not in a position to dispute the fact regarding grant of bail to similarly situated co-accused in *Cr. Misc. No. 70348 of 2021*.

Considering the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner’s counsel.

Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, 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 learned 1st Additional District and Sessions Judge-cum-Special Judge (N.D.P.S.), Aurangabad, in connection with Aurangabad Town P.S. Case No. 396 of 2021, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to



how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii)That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner’s counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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