

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24794 of 2023

Arising Out of PS. Case No.-163 Year-2022 Thana- INDUSTRIAL District- Bhagalpur

MD. JAMI @ MD. JAMIN SON OF MD. SHAHBAZ R/O VILLAGE-
MUKERI TOLA FATEHPUR, P.S.- INDUSTRIAL AREA, DISTRICT-
BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda

For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case registered
for the offence punishable under sections 20(b)(ii)(c), 22 of the
NDPS Act.

Prosecution case relates to recovery of total 7 kg.
Ganja from the possession and house of the FIR named accused
persons including the petitioner. Six accused persons were
apprehended from the house of the petitioner.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. Petitioner was not apprehended on spot and nothing has
been recovered from his conscious possession. The name of the



petitioner has been disclosed in this case by the apprehended co-accused before the police, which has got no evidentiary value in the eye of law. Provision of Section 50 NDPS Act has not been followed by the police officials while preparing the seizure list. The quantity of alleged recovery comes below the commercial quantity. Similarly situated other accused person has already been enlarged on bail by this Court vide order dated 5.4.2023 passed in Cr. Misc. No. 4104 of 2023. He is languishing in judicial custody since 19.02.2023.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned District & Sessions Judge, Bhagalpur in connection with Industrial Area P.S. Case No. 163 of 2022.

(Sunil Kumar Panwar, J)

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