

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32683 of 2022

Arising Out of PS. Case No.-118 Year-2022 Thana- JOGBANI District- Araria

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Lukman @ Md. Lukman Alam S/o Alauddin R/o village- Dipaul, Ward No. 10, P.S.- Jogbani (Bathnaha O.P.), Distt.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh

For the Opposite Party/s : Mr. Awadhesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 03-01-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with Jogbani P.S. Case No.118 of 2022 corresponding to the Special Case No. 10 of 2022, registered for the offences punishable under Sections 20, 21 (B), 22, 23 of the Narcotics Drugs and Psychotropic Substance Act.

As per allegation, a total of 230 gms of Brown Sugar (Smack) has been recovered from the accused- persons.

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



case. He further submits that the recovered contraband is much less than the commercial quantity. He also submits that search and seizure has not been made as per the rules as provided under the N.D.P.S. Act. He also submits that the petitioner will co-operate in the trial and the trial will not get hampered in case he is enlarged on bail.

It has further been stated in paragraph no. 3 of the petition that the petitioner has no criminal antecedents. He also submits that the petitioner has been languishing in jail since 17.04.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, particularly, the quantity of contraband recovered, 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 Ld.. 1 Addl. District and Sessions Judge, Araria in connection with ogbani P.S. Case No.118 of 2022 corresponding to the Special Case No. 10 of 2022 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 any criminal antecedent, Ld. 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, Ld. court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

Ld. 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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