

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36321 of 2022

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

Israfil, Son of Md. Safid, Resident of Village - Dipaul Ward No.- 10,
Jogbanni, P.S.- Bathnaha (O.P.), District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Md. Anisur Rahman, Advocate Mr. Md. Akram Naiyer, Advocate
For the Opposite Party/s :	Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 18-01-2023 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 20, 21B, 22 and 23 of the N.D.P.S Act.

As per the prosecution case, 60 grams of brown sugar (smack) is said to have been recovered from the possession of the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. No incriminating article has been recovered from his possession. Even accepting the allegations for the sake of argument, the total quantity allegedly recovered is less than the commercial quantity. He is in custody since 17.4.2022 and has no criminal antecedent. Charge-sheet has been submitted in the case. It is finally submitted



that co-accused Lukman @ Md. Lukman Alam has been enlarged on bail vide order dated 3.1.2023 passed in Cr. Misc. no. 32683 of 2022.

Application for bail is opposed by learned A.P.P for the State who submits that the total quantity of recovered brown sugar (smack) is 230 grams.

Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R, the quantity recovered being less than the commercial quantity, grant of bail to the aforesaid co-accused Lukman @ Md. Lukman Alam vide order dated 3.1.2023, the petitioner being in custody for 9 months since 17.4.2022, not having any criminal antecedent and charge-sheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Special Case no. 10 of 2022 (arising out of Jogbani P.S. Case no. 118 of 2022) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, N.D.P.S Act, Araria.

(Partha Sarthy, J)

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