

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40179 of 2022

Arising Out of PS. Case No.-245 Year-2021 Thana- AIRPORT District- Patna

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Sharukh Khan Son Of Jubair Khan Resident Of Village - Sakin Ghoghra, P.S.-
Risiyap, Distt.- Aurangabad. Presently Residing At Sakin Ashiyana Nagar,
Phase 02, P.S.- Rajiv Nagar, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar

For the Opposite Party/s : Mr. Raj Kishor 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 Hawaii
Adda P.S. Case No. 245 of 2021, registered for the offences
punishable under Sections 8(C) , 21(a) and 29 of the
N.D.P.S Act, 1985.

As per allegation, 5 gram brown sugar was
recovered from the petitioner.

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 further submits that the petitioner will co-operate in the trial and the trial will not get hampered in case he is released on bail. He also submits that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the petitioner has been languishing in jail since 04.10.2021.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has made accused in three more cases.

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

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

Considering the aforesaid facts and circumstances, particularly the recovered quantity of contraband, 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 the Ld. Additional Sessions Judge – XVI, Patna in connection with Hawai Adda P.S. Case No. 245 of 2021 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 criminal antecedents other than the disclosed one, the Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents



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, the Ld. court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The 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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