

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54484 of 2023

Arising Out of PS. Case No.-303 Year-2020 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

Md. Sahil Son Of Md. Basir Resident Of Moh-Sadpura, Milki Tola, Neem
Chowk, P.S.-Kazi Mohammadpur, Distt-Muzaffarpur

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate
For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 03-11-2023

1. Heard learned counsel for the parties.

2. The petitioner has filed the instant application for grant of regular bail in connection with Kazi Mohammadpur P.S. Case no. 303 of 2020 registered under sections 20(B) (ii) (B)/27 of the N.D.P.S. Act.

3. As per the prosecution case, 120 grams of *charas* (smack) and Rs. 73,400/- in cash were recovered from the house of the petitioner.

4. The earlier application for bail of the petitioner was rejected vide orders dated 4.1.2022 and 26.4.2023 (Annexure-1 series).

5. Learned counsel for the petitioner submits that no



incriminating article has been recovered as alleged and the petitioner and his brother have been falsely implicated in the case. His brother co-accused Md. Shahid has been enlarged on bail vide order dated 28.6.2023 (Annexure-3) passed in Cr. Misc. No. 27855 of 2023. The petitioner is in custody since 22.11.2020 and there is no chance of the trial concluding in the near future.

6. The application for bail is opposed by learned A.P.P. for the State.

7. A report was called for from the learned Trial Court. As per the report received contained in letter dated 21.9.2023, although charge has been framed on 12.7.2023, however no witness has been examined on behalf of the prosecution and summons have been issued to the witnesses.

8. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the petitioner having remained in custody since 22.11.2020, charge having been framed in the learned Trial Court and grant of bail to the above named co-accused Md. Shahid, the Court directs the petitioner to be enlarged on bail in connection with Kazi Mohammadpur P.S. Case no. 303 of 2020 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 2nd Addl.
Sessions Judge, Muzaffarpur.

(Partha Sarthy, J)

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