

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51925 of 2023

Arising Out of PS. Case No.-26 Year-2023 Thana- ARA RAIL P.S. District- Bhojpur

Awani Prashad @ Awany Prashad Sahu @ Awami Prasad Saw S/O Santosh Kumar Sahu R/O Ankali, P.S- Baidhynathpur Brahmpur, Distt.- Ganjam, Odisha.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gaurav Kumar

For the Opposite Party/s : Mr.Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 25-08-2023 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 8/20(b) (ii) (B) and 29 of the N.D.P.S. Act.

As per prosecution case, the petitioner and co-accused persons were apprehended on the spot. On search, total 9kg ganja was recovered from possession of co-accused. It is further alleged that from the possession of this petitioner one mobile and other articles were recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has



falsely been implicated in the present case. The petitioner has no concern with the alleged recovery of ganja and the same was lesser than commercial quantity as per N.D.P.S. Act. A statement has been made in para-3 of the petition that the petitioner has got no criminal antecedent. Similarly situated co-accused has already been granted bail by a coordinate Bench of this Court vide order dated 17.08.2023 passed in Cr. Misc. No. 51007 of 2023. It is further submitted that except mobile noting incriminating article has been recovered from the possession of the petitioner. Moreover, he is languishing in judicial custody since 15.9.2022.

Learned APP appearing for the state has opposed the prayer of regular 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 released on bail in connection with Ara Rail P.S. Case No. 26 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of



learned District and Sessions Judge, Bhojpur at Ara.

(Sunil Kumar Panwar, J)

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