

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.54291 of 2022**

Arising Out of PS. Case No.-714 Year-2022 Thana- PHULWARISHARIF District- Patna

MD. AFTAB ALAM S/o Late Khurshid Alam R/o village- Naya Tola, P.S.-  
Phulwari Sharif, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Virendra Kumar

For the Opposite Party/s : Mr.Nagendra Prasad

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      16-01-2023                      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 section 420 of Indian Penal Code, Sections 8(C), 21(b) of NDPS Act and Section 3/4 of the Bengal Gambling Act.

Prosecution case relates to recovery of total 13 puriya (small packet) of smack weighing about 6.63 grams from the possession of petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. A statement has been made in para-3 of the petition that the petitioner has got no criminal antecedent. Petitioner has no concern with the alleged recovery



of smack and the recovery of smack from possession of this petitioner is less than commercial quantity. Moreover, similarly situated co-accused namely, Md. Imteyaz has already been granted bail by this court vide order dated 11.1.2023 in Cr. Misc. No. 59218 of 2022. The petitioner is languishing in judicial custody since 23.6.2022.

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 Phulwarisharif P.S. Case No. 714 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge cum Special Judge, Patna.

**(Sunil Kumar Panwar, J)**

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