

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57763 of 2023

Arising Out of PS. Case No.-215 Year-2022 Thana- INDUSTRIAL District- Bhagalpur

Md Abdul Sattar @ Md Sattar @ Md Abdul S/O Late Md. Siraj R/O Village-
Mukeri Tola Fatehpur, P.S.- Industrial Area, Dist.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh

For the Opposite Party/s : Mr.Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 01-09-2023 Heard learned counsel for the petitioner, learned APP
for the State.

2. Earlier petitioner was granted anticipatory bail by a different co-ordinate Bench of this Court by order dated 24.06.2023 passed in Cr. Misc. No. 22031 of 2023 with a direction to the learned lower court to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other case, this order will automatically loose its force.

3. As per impugned order dt. 20.7.2023, it appears that at the time of failing bail bond, it has come to light that petitioner bears one criminal antecedent being Industrial P.S. Case No. 17 of 2016, learned lower court has refused to permit the petitioner to file bail bond and accordingly, he was taken



into custody on 1.8.2023.

4. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 20(b)(ii) (c)/22 of the NDPS Act.

5. Prosecution case relates to recovery of 44 kg. ganja like narcotics substance from the FIR named co-accused persons and they were apprehended on spot and they disclosed the name of this petitioner as one of his associates.

6. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The name of this petitioner came into light in this case on the basis of confessional statement of apprehended co-accused persons before the police which has got no evidentiary value in the eye of law. Nothing has been recovered from the conscious possession of the petitioner and also he has no concern with the seized ganja. Moreover, he is languishing in judicial custody since 06.07.2023.

7. It is mentioned in para-11 of this petition that petitioner was on bail in the Industrial P.S. Case No. 17 of 2016. On earlier occasion, while petitioner had moved criminal Misc. No. 22031 of 2023, by mistake, in para-3, it was mentioned that



he has no criminal antecedent as the petitioner parvikaar is a villager and the exact fact, he could not disclose to his counsel. Learned counsel for the petitioner has made an apology before the Hon'ble High Court for his wrong submission about the criminal antecedent of the petitioner.

8. Learned APP appearing for the state has opposed the prayer of regular bail and submitted that petitioner has one criminal antecedent.

9. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Industrial P.S. Case No. 215 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 ADJ-I, Bhagalpur.

(Sunil Kumar Panwar, J)

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