

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62862 of 2023

Arising Out of PS. Case No.-158 Year-2023 Thana- JAYNAGAR District- Madhubani

Asmaul Haque Son Of Mohasin @ Mahasen Village- Purab Dahapara
Babungram, Ps- Kaliyachak, Dist- Malda (WEST Bengal)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Gagandeo Yadav Mr. Ravi Prakash Mr. Udeshya Kr. Yadav
For the Opposite Party/s :		Mr.Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 05-10-2023 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, 21 and
22 of the N.D.P.S. Act.

According to prosecution, a plastic bag containing
100 gram brown sugar and a mobile phone has been recovered
from the possession of the 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. He has no concern with the
alleged recovery and recovered quantity of contraband is less
than commercial quantity. Provision of Section 100 Cr.P.C. has



not been followed by the police personnel while preparing the seizure list. He has been made accused in this case on the basis of confessional statement of co-accused Md. Naim who has already been enlarged on bail by another coordinate Bench of this Court vide order dated 08.08.2023 passed in Cr. Misc. No. 49684 of 2023. It is further submitted that the petitioner has got no criminal and languishing in judicial custody since 16.04.2023.

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 as well as period of 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 Jaynagar P.S. Case No. 158 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 Court of Sessions Judge, Madhubani.

(Sunil Kumar Panwar, J)

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