

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63205 of 2023

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

Md. Saryul Sheikh @ Saryul Sheikh S/O Ajjat Sheikh Village- Sheikh
Mohalla- Munsitola, Babnugram, Ps- Kaliyachak, Dist- Malda (West Bengal)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash

For the Opposite Party/s : Mr.Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 09-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case registered
for the offence punishable under sections 8/ 21/22 of the NDPS
Act.

As per allegation in the FIR, on getting secret
information police party proceeded towards place of occurrence,
and apprehended seven accused persons including the petitioner.
On search, 75 gram brown sugar were recovered from
possession of the petitioner.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. He has been falsely implicated in this Case. No local
person was made as a witness of the seizure list rather seizure



list witnesses are police personnel. There is complete violation of provision of Section 50 of the NDPS Act. There is no FSL report to confirm that the seized article is contraband material. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 8.8.2023 passed in Cr. Misc. No. 49684 of 2023. The recovered article comes below the commercial quantity. Petitioner has got no criminal antecedent and languishing in judicial custody since 16.4.2023.

Learned APP appearing for the State has opposed the prayer of 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 enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Madhubani in connection with Jaynagar P.S. Case No. 158 of 2023.

(Sunil Kumar Panwar, J)

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