

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58686 of 2022

Arising Out of PS. Case No.-214 Year-2022 Thana- MITHANPURA District- Muzaffarpur

SHAHID KHAN @ ANIL KUMAR S/o Late Salim Khan R/o Mohalla-
Tinkothia Khanka, P.S.- Mithanpura, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 60910 of 2022

Arising Out of PS. Case No.-214 Year-2022 Thana- MITHANPURA District- Muzaffarpur

MD. SHAMSHER KHAN @ JUGUNU S/O LATE SALIM KHAN Resident
of Mohalla- Kalibari, P.S.- Mithanpura, District- Muzaffarpur, State- Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 58686 of 2022)

For the Petitioner/s : Mr. Nachiketa Jha

For the Opposite Party/s : Mr. Dinesh Singh

(In CRIMINAL MISCELLANEOUS No. 60910 of 2022)

For the Petitioner/s : Mr. Nachiketa Jha

For the Opposite Party/s : Mr. Kalyan Shankar

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 13-03-2023 Learned counsel for the petitioners is permitted to
remove defect (s), as pointed out by the office, if any, within a
period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have preferred this application for



grant of regular bail in a case registered under section 8 (c) and 21 (b) of the N.D.P.S. Act.

As per the prosecution case, 28 grams smack was recovered from the possession of the petitioner Md. Shahid Khan @ Anil Kumar and 10 grams smack was recovered from the possession of the petitioner Md. Shamsheer Khan @ Jugnu.

Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. No incriminating articles have been recovered from the conscious possession of the petitioners. Learned counsel has submitted that the seized contraband is more than small quantity but less than commercial quantity. The petitioners have clean antecedent as stated in para 3 of the bail petition. The petitioners are in custody since 13.07.2022.

Learned A.P.P. for the State has opposed the bail petition of the petitioners.

Considering the aforesaid facts and circumstances, the petitioners above-named, are directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Muzaffarpur in connection with Mithanpura P.S. Case No. 214 of 2022, with a condition:-



1. The court below shall verify the criminal antecedent of the petitioners and at any stage, if it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Chandra Prakash Singh, J)

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