

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.61874 of 2023**

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

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MD. HUMANYU KABIR SON OF MD. EYASHUDDIN RESIDENT OF  
VILLAGE- EASMATPUR, POST- SRIRAMPUR, MAJUMPUR,  
HARUCHAK, PS- KALIYACHAKRA DISTT- MALDA, WEST BENGAL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      25-09-2023                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since  
16.04.2023 in connection with Jainagar P.S. Case No. 158 of  
2023, F.I.R. dated 15.04.2023 for the offences punishable under  
Sections 8, 21, 22 of the Narcotics Drug and psychotropic  
Substances Act, 1985.

3. Recovery of a bag containing 100 gms of brown  
sugar, Rs. 1.4 lakhs and two mobile sets is alleged against the  
petitioner.

4. Learned counsel for the petitioner submits that  
petitioner has clean antecedent and he has falsely been  
implicated in the present case. He further submits that from a



bare perusal of the FIR and Seizure list that 100 gm of brown sugar and Rs. 1.04 lakhs and two mobiles have been recovered from the possession of the petitioner. Learned counsel for the petitioner submits that there is non compliance of Section 50 of the N.D.P.S. Act and the recovered contraband is less than the commercial quantity and the co-accused, namely, Naim @ Naim Sekh @ Md. Naim from whose possession 100 grams of the contraband like brown sugar was recovered has already been granted bail by a co-ordinate Bench of this Court vide order dated 08.08.2023 passed in Cr. Misc. No. 49684 of 2023. Another co-accused person namely Babar Ali @ Md. Babar Ali @ Babar Alli has been granted bail vide order dated 09.08.2023 in Cr. Misc No. 50155 and another co-accused person Md. Jasim @ Jasim Shekh @ Zasimuddin has been granted bail vide order dated 20.09.2023 in Cr. Misc. No. 53737 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 16.04.2023 .

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances,



let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge Madhubani, in connection with G.R. Case No. 31 of 2023 arising out of Jainagar P.S. Case No. 158 of 2023, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

**(Rajesh Kumar Verma, J)**

Adnan/-

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