

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.66328 of 2022**

Arising Out of PS. Case No.-273 Year-2022 Thana- BARAUNI RAIL P.S. District- Begusarai

Md. Munna Son Of Late Saukat Ali Resident Of Village- Phulawariya 02,  
Ward No- 12, Pokhar Mohalla, Sukhlal Tola, P.S.- Phulwariya, District-  
Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Amrendra Kumar, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

2      14-03-2023                      Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

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

Petitioner seeks regular bail in connection with Barauni Rail P.S. Case No. 273 of 2022 corresponding to N.D.P.S. Case No. 29 of 2022 registered for the offences punishable under Sections 8 and 20(b)(ii)(B) of the NDPS Act.

As per the prosecution, police personnel on secret information apprehended this petitioner with one co-accused person and recovered 6.401 kg of narcotic material suspected to



be *Ganja* from their possession.

The main submissions advanced by petitioner's counsel are that as per the FIR 4.267 kg narcotic material suspected to be *Ganja* was recovered from the possession of this petitioner which is below the commercial quantity and from the possession of the co-accused Md. Hasim @ Monu, 2.134 Kg same suspected material was recovered at the same time, has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 67269 of 2022, though against the petitioner there are criminal antecedents of four cases but all the said cases do not relate to any of the offences punishable under the NDPS Act and moreover the petitioner is on bail in all these antecedent cases and in the present matter he has been languishing in jail for the last seven months and against him the investigation has been completed.

Learned APP appearing for the State has opposed the prayer for bail.

Considering the above submissions and mainly the petitioner's custody period and privilege of bail having been granted by a co-ordinate Bench of this Court to co-accused Md. Hasim @ Monu from whose possession similar type of suspected material was recovered and against the petitioner



investigation has been completed and the seizure list of the alleged seized contraband goes to show that the main witnesses of the seizure are police personnel, in my opinion a lenient approach can be taken in respect of the petitioner’s prayer for bail. Accordingly, let the petitioner named-above be enlarged 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 concerned Court in connection with Barauni Rail P.S. Case No. 273 of 2022 corresponding to N.D.P.S. Case No. 29 of 2022.

**(Shailendra Singh, J.)**

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