

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76433 of 2023

Arising Out of PS. Case No.-570 Year-2023 Thana- PURNEA SADAR District- Purnia

Mastara Khatoon @ Sukhiya Khatoon Wife Of Arbaz Alam @ Alam Arbaz
R/O Village- Nilawari, New Tola Chimni Bazar, Ward No.33, P.S.- Jalalgarh,
District- Purnea

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Fazle Karim

For the Opposite Party/s : Mr.Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 01-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2.The petitioner has prayed for regular bail in a case
registered for the offence punishable under sections 8, 20(b)(ii)
(B) of the NDPS Act.

3. Prosecution case relates to recovery of 4.5 kg ganja
like intoxicating substance from his shop.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He has
falsely been implicated in this case. Nothing has been recovered
from the conscious possession of the petitioner and also he has
no concern with the seized ganja. There is no independent
witness of the seizure list rather they are police personnel. The



recovered ganja like substance does not come within the purview of commercial quantity as per NDPS Act. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Similarly situated other co-accused person has already been granted bail by this Court vide order dated 10.10.2023 in Cr. Misc. No. 63719 of 2023. Moreover, he is languishing in judicial custody since 25.06.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as 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 Sadar P.S. Case No. 570 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 Special Judge, NDPS Act, Purnea.

(Sunil Kumar Panwar, J)

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