

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70816 of 2022

Arising Out of PS. Case No.-136 Year-2016 Thana- ADAPUR District- East Champaran

JUMAN MIAN @ JUMAN @ SK. AMRUDDIN @ SHEKH AMARUDDIN
S/o Hakim Mian R/v- Sirisiya Mal, P.S.- Nakardei (Adapur), District- East
Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 4 04-05-2023 1. Learned counsel for the petitioner submits that the petitioner was earlier granted provisional bail on the ground of his mother's demise and thereafter in the light of direction given by this Court he has surrendered and filed surrender certificate by way of supplementary affidavit and permission is required to file its hard copy.
2. Permission is accorded.
3. Heard learned counsel for the petitioner and the learned APP for the State.
4. Petitioner seeks regular bail in connection with Adapur (Nakardei) P.S. Case No.136 of 2016 dated 16.08.2016 registered for the offences punishable under Sections 20, 22, 23 and 24 of the N.D.P.S. Act.



5. The main submissions advanced by learned counsel for the petitioner are that in the present matter one co-accused namely Gajendra Singh, was apprehended with 95 grams of narcotic material suspected to be opium, has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.15637 of 2017 and petitioner was not arrested at the spot with the said co-accused and at the time of arrest the said co-accused did not reveal the name of this petitioner as being involved in the smuggling of the alleged narcotic material and later on the name of this petitioner came into light in the statement of the said co-accused which was made before the police and accordingly the only material against the petitioner is statement of co-accused Gajendra Singh which has no evidentiary value and against the petitioner the investigation has been completed. Further submission is that two co-accused persons namely Tahir Hussain @ Tahir Mian and Rajesh Sah @ Lal Babu Sah have been granted bail by different Benches of this Court vide orders passed in Cr. Misc. Nos.72589 of 2022 and 73797 of 2022 respectively.

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

7. Considering the above submissions and



mainly the facts that the alleged contraband, which is stated to be 95 grams opium like material, is stated to have been recovered from the possession of co-accused Gajendra Singh, who is on bail and the name of this petitioner came into light during investigation in the statement of said co-accused but at the time of arrest the co-accused did not reveal the name of this petitioner as being involved in the alleged crime and one co-accused Aslam Miya @ Aslam Ali carrying similar nature of allegation has been granted anticipatory bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.45293 of 2021 and against the petitioner the investigation has been completed as per above submission and the alleged contraband which is stated to have been recovered in this matter is lesser than commercial quantity, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner 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 concerned Court in connection with Adapur (Nakardei) P.S. Case No.136 of 2016.

(Shailendra Singh, J)

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