

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72589 of 2022

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

TAHIR HUSSAIN @ TAHIR MIAN S/o Sanaullah 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, Adv.

Mr. Anil Kumar Sinha, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 21-03-2023 Heard the learned counsel for the petitioner as well as the
learned Additional Public Prosecutor for the State.

The petitioner is seeking regular bail in connection with
Adapur (Nakardei) P.S. Case No. 136 of 2016 registered for the
offences under sections 20, 22, 23 and 24 of the N.D.P.S. Act.

Co-accused Gajendra Singh was arrested and 95 gram
opium was recovered from his possession.

Learned counsel for the petitioner has submitted that he
is innocent. Even in confessional statement of co-accused
Gajendra Singh, the name of the petitioner has not figured and on
similar footing co-accused Aslam Miyan has been granted
anticipatory bail in Cr.Misc No. 45293 of 2021.

It has been mentioned in the FIR that the apprehended
co-accused Gajendra Singh apprised the police party that he was
carrying the alleged contraband through Raxaul and Nepal. There
is nothing in the FIR which shows that co-accused Gajendra Singh



has named the petitioner.

Considering the above-mentioned facts and circumstances and also considering that co-accused Gajendra Singh has been granted bail by the coordinate Bench of this Court, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge/Special Judge/ NDPS Act, East Champaran at Motihari in connection with Adapur (Nakardei) P.S. Case No. 136 of 2016, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available on each and every date of trial. In case of failure on two consecutive dates without any valid reason, the learned court below will be at liberty to cancel the bail bond of the petitioner.

(ii) If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

(Nawneet Kumar Pandey, J)

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