

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75917 of 2023

Arising Out of PS. Case No.-247 Year-2023 Thana- KISHANGANJ District- Kishanganj

Md. Najrul @ Md. Najarul Son of Late Kalim @ Late Md. Kalim Resident of
Village - Bijra, P.S.- Balia Belon, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Ejaz Akhter, Advocate

For the State : Mr. Sharda Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 02-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Kishanganj P.S. Case No. 247 of 2023 instituted for the
offence under Sections 8/20(b)(ii)(B)/22 of the NDPS Act.

3. 6.100 KG of ‘ganja’ has been recovered from
the possession of the petitioner.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 16-06-2023, and have
no criminal antecedents.

5. Learned counsel for the petitioner further
submits that petitioner has been falsely implicated in this



case. There is no allegation of tampering of witnesses alleged against the petitioner in the present case. It is alleged that 6.100 KG of 'ganja' is recovered. Same is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, clean antecedent and period of custody of the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kishanganj P.S. Case No. 247 of 2023.

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to



cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

U		T	
---	--	---	--

