

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9611 of 2024

Arising Out of PS. Case No.-738 Year-2023 Thana- FORBESGANJ District- Araria

Md Junaid @ Junaid, Aged about 43 years, Male, Son Of Md. Illiyas,
Resident Of Village- Domariya, PS- Narpatganj, Distt- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Tarun Prasad Mandal, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

4 10-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Forbesganj P.S. Case No. 738 of 2023 instituted for the offences punishable under Sections 406, 420, 467, 468, 471, 413, 414 and 120B of the Indian Penal Code, Sections 21(c) and 22 of the N.D.P.S. Act, Section 25(1-b)a, 26 and 35 of the Arms Act, Section 30(a) of Bihar Prohibition and Excise Act and Section 3 and 13 of the Foreign Exchange Management Act.

3. As per prosecution case, it is case of recovery of county made katta with live cartridges from a juvenile, pistol made in USA with five live cartridges, blank magazines from the house of Md. Mubarak and also brown sugar like substance,



various ATM cards, blank cheques, foreign currency, half bottles of Nepali wine along with other articles.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He has falsely been implicated in this case. Neither the petitioner is named in the F.I.R. nor any incriminating article has been recovered from his conscious possession. He has no concern with the alleged recovery and place of recovery. His name transpired in the confessional statement of co-accused Md. Mubarak. Both the seizure list witnesses are police personnel which is complete violation of Section 100 of Cr.P.C. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Similarly situated co-accused namely, Shahansah @ Shahansah Alam @ Shahansah has already been granted bail by this Court vide order dated 28.02.2024 passed in Cr. Misc. No. 13385 of 2024. Petitioner is languishing in judicial custody since 29.11.2023.

5. Learned APP for the State has vehemently opposed the prayer for bail.

6. Considering the facts and circumstances of the case and submissions made on behalf of the petitioner as well as period of custody of the petitioner, let the above named



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 the learned Sessions Judge-cum-Special Judge, N.D.P.S. Act, Araria in connection with Forbesganj P.S. Case No. 738 of 2023.

(Ramesh Chand Malviya, J)

lata/-

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

