

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11567 of 2024

Arising Out of PS. Case No.-239 Year-2023 Thana- THAKURGANJ District- Kishanganj

1. Jahid Shah @ Jahid Sah Son of Jakir Sah Resident of Village- Gorihat, Ward No. 08, P.S.- Pothia, District- Kishanganj
2. Ekram @ Ikaram Son of Ekbal Resident of Village- Gorihat Ward no. 08, P.S.- Pothia, District- Kishanganj, Permanent Resident of Village- Bhagwanpur Ward No.-4, P.S.- Manglor, Tahsil, District- Haridwar (Uttarkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mr. Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 28-02-2024 Heard learned counsel for the Petitioners and
learned APP for the State.

2. Petitioners seek regular bail in connection with
Thakurganj P.S. Case No. 239 of 2023, dated 17.11.2023,
registered for the offences punishable under Sections 21(b) and
29 of the NDPS Act.

3. The main submissions advanced by learned
counsel for the petitioners are that the instant matter relates to
the recovery of 11.100 grams of narcotic material, suspected to
be *Brown Sugar* and mobile phone which are said to have been
recovered from the possession of the petitioner Jahid Shah @
Jahid Sah and the alleged recovered narcotic material comes in



the purview of intermediate quantity and the mandatory provisions of Section 50 of NDPS Act were not followed while searching and seizing the alleged contraband and from the possession of the petitioner No.2, no incriminating material was recovered and both the petitioners have been languishing in jail since 18.11.2023 having no criminal antecedent.

4. Learned APP appearing for the State has opposed the prayer for bail of the petitioners.

5. In the facts and circumstances of this case and considering the above submissions coupled with the completion of the investigation against the petitioners and also taking into account their fair and clean antecedent, this Court is inclined to accept the prayer for bail of the petitioners. Accordingly, let the petitioners named-above be enlarged on bail on furnishing of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Thakurganj P.S. Case No. 239 of 2023.

(Shailendra Singh, J)

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