

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15402 of 2024

Arising Out of PS. Case No.-51 Year-2023 Thana- MITHANPURA District- Muzaffarpur

Javed Ahmad @ Sinku Alam Son of Khalil Ahmad Resident of Village-
tinkothiya, tenant in the house of Nirmal Chaudhary, P.S.- Mithanpura, Dist.-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey

For the Opposite Party/s : Mr.Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 19-04-2024 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has filed the instant application for
grant of regular bail in a case registered for the offences
punishable under Section 120(B) of the Indian Penal Code,
Sections 8(c),21(c) of N.D.P.S. Act, Sections 25(1-b)a, 26,
35 of Arms Act and Sections 4, 5 of Explosive Substances
Act.

It is a case of recovery of 40 grams of Smack like
narcotics substance from the possession of the petitioner and
five cartridges and three mobile phones were recovered from
the poultry farm of the petitioner. It is also alleged that



three explosives with watch like timer attached with them also recovered from a wooden log next to that poultry farm.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated in the present case. Nothing incriminating has been recovered from the conscious possession of the petitioner. It is further submitted that petitioner is staying as tenant in the house of one Nirmala Chaudhary with his family and recovery was made from wooden poultry farm which does not belongs to the petitioner. He has no concern with the recovered incriminating articles and contraband. Moreover, the recovered Smack like substance is lesser than commercial quantity as per N.D.P.S. Act. There is no independent witness of the alleged seizure. Petitioner is languishing in judicial custody since 12.02.2023. It is further submitted that charge has been framed. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Similarly situated co-accused Ahmad Ali @ Jacki has already been granted bail vide order dated 20.02.2024, passed in Cr. Misc. No. 7798 of 2024 by this



Court.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Mithanpura P.S. Case No. 51 of 2023 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge III, Muzaffarpur.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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