

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34763 of 2024

Arising Out of PS. Case No.-37 Year-2024 Thana- MADANPUR District- Aurangabad

1. Ajay Bhuiyan Son of Bandhu Bhuiyan Resident of Village- Dhakpahri, P.S- Madanpur, Dist- Aurangabad
2. Satendra Bhuiyan @ Satyendar Bhuiyan Son of Late Raja Ram Bhuiyan Resident of Village- Dhakpahri, P.S- Madanpur, Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Mukul Kumari, Adv.

For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 06-05-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Madanpur P.S. Case No. 37 of 2024 instituted for the offences under Sections 18(b), 20(B),(ii)(C), 22, 29 and 8(B) of the N.D.P.S. Act, 1985.

3. As per prosecution case, the accusation against the accused persons including the petitioners is of being indulged in illegal cultivation of opium. It is alleged that a raid was conducted by the police and there has been recovery of 5 Kg. poppy straw from the shop of the co-accused Shakeel Ansari @ Pappu and on his disclosures, 1117 Kgs. of Posta Dana were



recovered from the joint house property.

4. Learned counsel for the petitioners submit that the petitioners are innocent and have committed no offence as alleged against him and have falsely been implicated in the present case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners have no concern with the co-accused of this case or the seized articles. The petitioners have no criminal antecedent and are languishing in judicial custody since 09.02.2024 without any rhymes or reason. He further submits that apart from confessional statement of the co-accused Vinay Rikiyasan, there is nothing in the entire record against the petitioners.

5. Learned counsel for the petitioners again submit that the co-accused Danish Anwar, Umashankar Sao and Upendra Prasad Gupta have been granted bail by this Court vide orders dated 18.04.2024, 20.04.2024 and 20.04.2024 passed in Cr. Misc. Nos. 27849 of 2024, 29204 of 2024 and 29103 of 2024 respectively.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the entire facts and circumstances of



the case and taking into account the period of custody of the petitioners and the petitioners having no criminal antecedent and the claim for bail being based on parity, let the petitioners, abovenamed, be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Madanpur P.S. Case No. 37 of 2024, subject to the conditions that;

(i) One of the bailor(s) shall be the own/close family members of the petitioners.

(ii) The petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, their bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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