

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51106 of 2024

Arising Out of PS. Case No.-261 Year-2023 Thana- JOGBANI District- Araria

Md. Nehal Ali @ Nehal Ansari @ Bhola, Son Of Md. Chotu @ Chhote Miya,
R/O- Khajurwari, P.S.- Jogbani, Distt.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh, Advocate

For the Opposite Party/s : Ms. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 21-09-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Jogbani P.S. Case No. 261/2023 registered on 21.10.2023 for the offenses punishable under Sections 17, 18, and 22 of the Narcotics Drugs and Psychotropic Substances Act, 1985.

3. As per the prosecution, the total recovery of 10 grams of Brown Sugar is the subject matter of the present case.

4. It is submitted by learned counsel for the petitioner that the petitioner is innocent and has committed no offence. The petitioner has not been apprehended from the place of occurrence, rather his name has figured in this case on the basis of the confessional statement of apprehended co-accused. Moreover, the alleged recovery has not been made from the



possession of the petitioner rather it has been made from the possession of the apprehended co-accused. Due to village politics, the apprehended co-accused named the petitioner in this case. Even assuming the accusation to be true, the recovered contraband is below the commercial quantity.

5. Learned APP for the State vehemently opposes the prayer for bail and submits that the apprehended co-accused has named the petitioner.

6. Considering the nature of recovery, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner in connection withJogbani P.S. Case No. 261 of 2023 corresponding to Special Case No. 104 of 2023, pending before the learned Sessions -cum-the Special Judge, NDPS Act, Araria is hereby rejected.

6 However, if the petitioner surrenders before the Trial Court within a period of eight weeks and pays for regular bail, the Trial Court shall consider the prayer for bail of the petitioner on its merit.

(Dr. Anshuman, J)

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