

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52857 of 2024

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

Bulla Mian @ Bullu Mian @ Md. Jamil Ahmad S/O Jahir Ansari Resident Of
Village- Chhakarbandha, Police Station- Chhakarbandha, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Advocate
For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 20-07-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Madanpur (Aurangabad) P.S. Case No. 37 of 2024 instituted for the offence under Sections 18(b), 20(B)(ii)C, 22, 29, 8B of the NDPS Act. Earlier anticipatory bail application filed by the petitioner was rejected vide order dated 14-05-2024, passed in Cr. Misc. No. 28911 of 2024, which was corrected vide order dated 23-05-2024.

3. As per the prosecution case, the accusation against the accused persons including the petitioner is of being indulged in illegal cultivation, selling and buying of opium (poppy).

4. It has been submitted on behalf of the petitioner



that the petitioner surrendered in this case on 11-06-2024, as per direction of this Court passed in anticipatory bail application filed by him. Petitioner bears one criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Charge sheet has been submitted in this case. Name of the petitioner has transpired on the basis of confessional statement of co-accused, namely, Ajay Bhuiya. He goes on to submit that nothing incriminating has been recovered from the possession of the petitioner. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Other co-accused has been granted bail by this Court *vide* order dated 18-04-2024, passed in Cr. Misc. No. 27849 of 2024.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, claim based on parity and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the 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 Court below/concerned Court in connection with Madanpur (Aurangabad) P.S. Case No. 37 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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