

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71530 of 2023

Arising Out of PS. Case No.-334 Year-2022 Thana- BAHADURGANJ District- Kishanganj

1. Jasiruddin @ Jasir, aged about 57 years, Male, Son of Late Bipat Ali, Resident of Village- Gopalpur, P.S.- Bahadurganj, Dist- Kishanganj.
2. Rehan, aged about 28 years, Male, Son of Jasiruddin @ Jasir, Resident of Village- Gopalpur, P.S.- Bahadurganj, Dist- Kishanganj.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party : Mr. Abhay Kumar Roy, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 02-04-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bahadurganj P.S. Case No. 334 of 2022, giving rise to Special Case No. 11A/2023 dated 09.12.2022 registered for the offences punishable under Sections 17b, 18b, 21b and 29 of the N.D.P.S. Act.

3. As per the prosecution case, police apprehended the co-accused Md. Naved Alam and recovered 9.800 gm smack including plastic, mobile phone, one bunch of keys, lighter, paper roll, one chain and Rs. 4180/- in cash from his possession. It is further alleged that the apprehended co-accused Md. Naved



Alam has disclosed the name of the petitioners and others to the effect that he alongwith the petitioners are indulged in doing the business of smack after purchasing the same from Dalkola (W.B.).

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. No incriminating article has been recovered from the conscious possession of the petitioners. The alleged recovery of 9.800 gm smack and other articles have been recovered from the possession of the co-accused Md. Naved Alam. The name of the petitioners has sprung up in the present case on the basis of the confessional statement of the co-accused Md. Naved Alam. The petitioners have four criminal antecedents, out of which, two cases are of similar nature as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like



amount each to the satisfaction of learned court concerned, Kishanganj in connection with Bahadurganj P.S. Case No. 334 of 2022, giving rise to Special Case No. 11A/2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further conditions:-

(I) The petitioners are directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioners are liable to be cancelled.

II. The petitioners are found involved in any other similar nature of case in future, the prosecution will have liberty to move for cancellation of their bail bonds.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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