

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83205 of 2023

Arising Out of PS. Case No.-718 Year-2023 Thana- ARARIA District- Araria

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BABUL @ MD BABUL, SON OF HASHIM @ DAINY, RESIDENT OF
VILLAGE- GAIYARI ,P.S. AND DISTRICT- ARARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Anisur Rahman, Advocate

Mr. Md. Akram Naiyer, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

2 10-01-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Araria P.S. Case no. 718 of 2023, registered under sections 21(c) and 22(c) of the NDPS Act.

3. As per the prosecution case, on information having been received and the vehicle in question being stopped for search it is stated that the accused persons made an attempt to escape but three of them were caught. It is further stated that they disclosed the names of the three accused persons who had managed to escape which included the petitioner herein. A total of 124.8 litres of codeine syrup was recovered.

4. Learned counsel for the petitioner submits that the petitioner was neither arrested at the spot nor any incriminating



article was recovered from his possession. He has no concern with the allegedly seized articles nor with the vehicle from which the alleged seizure took place. The only material against him is the confessional statement of co-accused made before police. The reason of his false implication is his antecedents. The petitioner is in custody since 29.8.2023 and charge-sheet has been submitted in the case.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the petitioner not having been arrested at the spot, having remained in custody since 29.8.2023 and charge-sheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Araria P.S. Case no. 718 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 Sessions-cum-Special Judge N.D.P.S, Araria.

(Partha Sarthy, J)

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