

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84555 of 2023

Arising Out of PS. Case No.-178 Year-2023 Thana- JOGBANI District- Araria

Md. Ashique Son Of Md. Muzahid Resident Of Village- Khajur Bari, Ps-
Jogbani, Distt- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar Singh

For the Opposite Party/s : Mr.Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 09-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 21, 22 of the NDPS Act, Sections 25(1-b)a/2b of the Arms Act and Section 414 of the IPC.

3. Prosecution case relates to recovery of 75 grams of smack like intoxicating substance from the possession of the petitioner along with some cash.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. He has no concern with the seized smack. The recovered smack does not come within the purview of commercial quantity as per NDPS Act. It is further



submitted that there is no independent witness of the seizure list rather they are police personnel. The recovered money belongs to the petitioner. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 11.07.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail **after framing of charge if the charge is not framed** in connection with Jogbani P.S. Case No. 178 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand d) with two sureties of the like amount each to the satisfaction of learned Special Judge (NDPS) Cum 1st Additional Sessions Judge, Araria.

(Sunil Kumar Panwar, J)

Shubham/-

U		T	
---	--	---	--

