

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.1040 of 2024**

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

=====

Md. Shamshad S/o Md. Bechan R/o Village-Khajur Bari, Police Station-  
Jogbani, District-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

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      23-01-2024                      Heard learned counsel for the petitioner and  
  
learned APP for the State.

The petitioner is languishing in custody in a  
  
case registered for the offences punishable under  
  
Sections 414 of the Indian Penal Code and Sections 21,  
  
22 of the N.D.P.S Act.

There is recovery of 30 grams of smack from  
  
the possession of the petitioner.

It is submitted by learned counsel for the  
  
petitioner that petitioner is innocent and he has falsely



been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has no concern either with the seized vehicle or the smack or the apprehended accused persons. Moreover, the seized contraband does not come within the purview of commercial quantity. The petitioner is languishing in custody since 11.07.2023. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

*In contra*, learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts aforesaid and the period under custody, let the petitioner, above named, be released on bail **after framing of charge, if the charge has still not been framed** and on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Special Judge, N.D.P.S cum 1<sup>st</sup> Additional



Sessions Judge, Araria in connection with Jogbani P.S.  
Case No. 178 of 2023.

(Sunil Kumar Panwar, J)

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