

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6035 of 2024

Arising Out of PS. Case No.-198 Year-2023 Thana- THAKURGANJ District- Kishanganj

Nur Jamal @ Noor Jamal son of Md. Atikul R/o Village- Baghmara, P.S.-
Thakurganj, Dist.- Kishanganj Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar, Advocate

For the Opposite Party/s : Mr.Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 16-04-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Thakurganj P.S. Case No. 198 of 2023 for the offence registered under sections 17(b)/18(a)/21(b)/22(b) and 29 of the NDPS Act lodged on 08.09.2023 by the informant Indrajit Kundu.

3. As per the informant, an Inspector with the SSB, Nawuduba, Thakurganj upon information about movement of Narcotic substances intercepted two persons, namely, Rajesh Kumar Nishad and Sunny Shaw. On enquiry, though it was informed that they came to purchase drugs, upon search beside foreign currency, there was recovery/seizure of 11.70 gms. Brown Sugar and later when it was again weighed, it came to 11.50 gms. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that the alleged recovery/seizure is not from him rather from Rajesh



Kumar Nishad and Sunny Shaw, they only to implicate him named him as the person who used to sell Brown Sugar. Accordingly, two FIR lodged against him.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that he has criminal antecedent of same nature.

6. To this, learned counsel for the petitioner submits that in that case also he has been extended the privilege of anticipatory bail by a co-ordinate Bench of this Court in Cr. Misc. No.68548 of 2023 vide order dated 19.10.2023.

7. Taking into account the aforesaid facts as also that recovery/seizure is from Rajesh Kumar Nishad and Sunny Shaw, on their statement his name has come, FIR lodged and he will have to face the trial, this Court is inclined to extend him privilege of bail subject to condition that if another FIR of the same nature is lodged, the State shall take immediate steps for cancellation of the present bail bond.

8. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned



Sessions Judge cum Special Judge (NDPS Act) Kishanganj in connection with Thakurganj P.S. Case No. 198 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) two of the bailor should be the family member of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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