

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.131 of 2024

Arising Out of PS. Case No.-326 Year-2023 Thana- FALKA District- Katihar

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1. MD. AKBAR @ MD. AKBAR ALI SON OF LATE IMRAN resident of village Hajipur Ps Muffasil District Katihar
 2. HASAN ALI SON OF MD. JALIL resident of village Hajipur Ps Muffasil District Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md Musowir

For the Opposite Party/s : Mr.Rajiv Nayan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 12-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in a case registered for the offence punishable under sections 8/20/22 of the NDPS Act.

3. As per allegation in the FIR, on getting secret information police party proceeded towards place of occurrence, and apprehended six accused persons including the petitioner. On search, 40 sachet of Smack (8 grams) were recovered from all the accused persons. From possession of the petitioner, 14 gram smack was recovered.

4. Learned counsel appearing on behalf of the



petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this Case. No local person was made as a witness of the seizure list rather seizure list witnesses are police personnel. There is complete violation of provision of Section 50 of the NDPS Act. The recovered article comes below the commercial quantity. Petitioner has got no criminal antecedent and languishing in judicial custody since 23.09.2023.

5. Learned APP appearing for the State has opposed the prayer of Bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Special Judge (N.D.P.S.), Katihar in connection with Falka P.S. Case No. 326 of 2023.

(Sunil Kumar Panwar, J)

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