

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45611 of 2024

Arising Out of PS. Case No.-265 Year-2023 Thana- FORBESGANJ District- Araria

Izrail @ Md. Ijraile S/O Late Md. Yasin R/O Village- Dholbajja Ward No.-6,
P.S- Forbesganj, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.

Mr. Arvind Kumar, Adv.

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 17-01-2025 Heard Learned Senior Counsel for the petitioner and
Learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Special Case No. 26 of 2023, arising out of Forbesganj P.S.
Case No. 265 of 2023, lodged on 28.03.2023, under Sections 20
and 22 of the Narcotics Drugs and Psychotropic Substance Act.

3. As per the prosecution, recovery of 1470 grams of
NDPS material was made, which was found in Tramadol tablets
on a Bolero pick-up van. The petitioner is alleged to be the
driver of the said vehicle.

4. Learned Senior Counsel for the petitioner submits
that the petitioner is innocent and has committed no offence.
Senior Counsel submits that the petitioner is the driver of the



closed pick-up van. He was assigned to deliver the goods from his transport agency where he was working. Senior Counsel further submits that in a closed pick-up van, it is the agency who used to put the seal in the pick-up van and subsequently provides only the key of the vehicle to the driver to deliver the goods to a specified location. Senior Counsel further submits that the other accused person has already been granted bail by this Court *vide* order dated 28.05.2024 passed in Cr. Misc. No. 30893 of 2024. Senior Counsel further submits that the criminal antecedent of the petitioner is not clean, however, he also submits that the said antecedent is not related to NDPS material but fall under the provisions of Indian Penal Code. Senior Counsel further submits that the charge-sheet has been filed and charge has also been framed in this case. Senior Counsel specifically submits that FSL report has been filed in this case after framing of charge, in this regard report has also been called for. Senior Counsel also submits that the petitioner is in custody since 29.03.2023.

5. Learned Counsel for the State, on the other hand, opposes the prayer for bail and submits that a report has been called for about the progress of the trial. Counsel further submits that from the record, it transpires that charge has



already been framed in this case on 13.07.2023 but not a single witness out of 5 charge-sheet witnesses has appeared to provide evidence.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **after framing of charge, if not framed** as well as on being satisfied by the Trial Court that the petitioner is not absconding in Jogbani P.S. Case No. 13 of 2015, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of Session-cum-Speical Judge, NDPS Act, Araria in connection with Special Case No. 26 of 2023, arising out of Forbesganj P.S. Case No. 265 of 2023, subject to the following conditions as laid down under Section 437(3) of Cr.P.C.

(Dr. Anshuman, J.)

Aman Kumar/-

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