

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18828 of 2017

Arising Out of PS.Case No. -5 Year- 2014 Thana -SIMRI District- BUXAR

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Md. Sahban Ansari, Son of Late Fool Mohammad, Resident of village -
Pailadih, P.S. Simri, District - Buxar At Presently residing at village - Abdul
Hamirpur, Dulahipur, P.O. Chanduali, P.S.-Mugalsarai, District -
Mugalsarai (Uttar Pardesh)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Pritish Kumar Lal, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 18-05-2017 Heard both sides.

The petitioner seeks bail in Simri P.S. Case No. 05
of 2014 registered under Sections 20(B)(II)(C), 22, 27A and 29 of
the N.D.P.S. Act, Section 47(A) of the Excise Act and Sections
414 and 420 of the Indian Penal Code.

Gorakh Ram, S.H.O. of Simri Police Station
alleged that he got information that a truck loaded with ganja was
to be passed through the road. A raiding team was constituted and
information was given to Sub-Divisional Officer. The truck
which was being followed by one Scorpio vehicle was
intercepted and from the truck 708 Kg and 209 gm ganja was
recovered from the truck and on search, 06 Kg and 300 gm ganja
was recovered from the Scorpio. Four persons were apprehended



from the truck and Scorpio. According to the disclosure made by the accused, the house of Sunil Kumar Chaurasiya situated in the Village Balihar was raided and 10 Kg ganja along with other weighing machines were recovered. Thereafter, the house of the petitioner situated in village Paladih was raided and 5 Kg ganja along with sale deeds of other lands was recovered.

Sri S. K. Lal, learned counsel for the petitioner submits that from perusal of the F.I.R itself, it appears at Para-23 that the name of the petitioner is inserted by the investigating officer in different handwriting in the last line of Para-1. Leanred counsel for the petitioner further submits that the petitioner is residing in Mugalsarai. He is a weaver and runs a weaving machine. The petitioner has lost his 30% eye sight. The petitioner was not in the house situated in Paladih, even no member of the house was arrested. The Magistrate in Para-28 of the case diary does not disclose the fact that who disclosed this fact that the petitioner was also involved in illegal transportation and sale of the narcotic drugs. The petitioner is in jail since 24.03.2017 and Maqsood Ansari has been granted bail vide order dated 30.03.2016 passed in Cr. Misc. No. 56768 of 2015. He further submitted that Sunil Chaurasiya was also granted bail vide order passed in Cr. Misc. No. 16133 of 2017.

Leanred APP however opposed the prayer for bail.



On perusal of the F.I.R. and the case diary, it appears that the police on secret information intercepted the truck and the Scorpio vehicle from which huge quantity of ganja was recovered and four persons, namely, Rakesh Kumar Mishra, Ashish Kumar Pathak, Md. Maqsood Ansari and Sunil Chaurasiya were apprehended. It appears that the apprehended accused persons disclosed the name of the petitioner and others that the petitioner and others are indulged in transportation and sale of ganja. In pursuance thereof, the raid was conducted in the house of Sunil Kumar Chaurasiya and from there 10 Kg ganja was recovered. Sunil Chaurasiya was also apprehended on the spot. Thereafter, the house of the petitioner situated in Paladih was raided and from the house of the petitioner, 5 Kg ganja was recovered. The Magistrate in Para-28 of the case diary stated that the petitioner was not present in the house and he was absconding but from his house on the basis of the information given by other co-accused, 5 Kg of ganja was recovered. The petitioner is in jail since 24.03.2017 and he has remained in jail for only two months.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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