

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52526 of 2018

Arising Out of PS.Case No. -9 Year- 2017 Thana -SIMRI District- BUXAR

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MD. ALI @ AHMAD ALI, Son of Md. Pir Bakhs, Resident of Village-
Upkhadagpirpur Bazar, P.S.- Munde Pandey, District- Muradabad (U.P.).

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Bachan Jee Ojha, Advocate.

For the Opposite Party : Mr. Dr. Kumar Uday Pratap, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-09-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 20(B)II(C), 22 and 27(A) of
N.D.P. S. Act.

The prosecution story, in brief, is that on 17.01.2017
during course of patrolling, on information, the informant
alongwith the police party reached at Nagpura Mathiya and on
18.01.2017 at 9.00 to 15.00 o'clock in presence of the Circle
Officer, Simri and two independent witnesses, searched and
recovered 47 bundles of Ganja and on weight total 14.10 Quintals
Ganja from a Truck, two different number plates of vehicle and
one black colour file with chain and registered the case against the



petitioner and co-accused named in the FIR.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The name of the petitioner has been disclosed by co-accused Md. Aadil @ Guddu who was apprehended in the Truck where 14.10 Quintals Ganja was recovered from the Truck in question. The petitioner is alleged to have fled away from the Truck. There is no recovery of any contraband substance from conscious possession of the petitioner. There is no compliance of Sections 42 and 50 of NDPS Act.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R and 14.10 Quintals of Ganja is alleged to have been recovered from the Truck. The petitioner fled away when search and seizure was made.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in connection with Simri P.S. Case No. 09/2017, pending in the court of learned District Judge-cum-Special Court, N.D.P.S. Buxar.

Anyhow, if the petitioner surrenders in the learned



court below and prays for regular bail, the same shall be considered by the learned court below on its own merit without being prejudiced by this order of the Court.

U.K./-

(Sudhir Singh, J)

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