

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20858 of 2018

Arising Out of PS.Case No. -55 Year- 2017 Thana -BARUN District- AURANGABAD

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Sanaullah Ansari S/o Md. Mustaffa Ansari, R/o Vill.- Rajak Bigha, P.S.-
Narari Kala, District- Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate
Mr. Rajesh Roy, Advocate

For the State : Mr. Md. Anzarul Haque Sahara, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 27-08-2018 This application has been filed for grant of regular

bail to the petitioner in connection with Barun P.S. Case No.55 of

2017 dated 27.03.2017 registered under Sections 8, 17(C), 18(C)

of the N.D.P.S. Act.

Earlier the prayer for bail of the petitioner was
refused by this Court vide order dated 14.6.2017 passed in Cr.
Misc. No.25727 of 2017. At this stage, learned counsel for the
petitioner has placed before this Court a copy of the order dated
7.7.2017 passed in Cr. Misc. No.23291 of 2017 in the case of
Birendra Singh vs. State of Bihar and submits that a learned Co-
ordinate Bench of this Court while considering the prayer for bail
of the co-accused, allowed him to be enlarged on bail subject to
the conditions mentioned in the order as contained in Annexure-2.



The order passed by the learned Co-ordinate Bench is a subsequent order to the order passed in the case of this petitioner.

Referring to the first information report and the allegation mentioned therein, learned counsel submits that a bare perusal of the same would show that the petitioner was standing near the line hotel when he started fleeing away on seeing the police party and was caught there but nothing incriminating was recovered from the possession of the petitioner. He is not the owner of the line hotel in question, the co-accused Birendra Singh who was working in the line hotel was also arrested along with this petitioner, nothing was found from his possession also and the learned Co-ordinate Bench of this Court has granted bail to him, therefore, the case to this petitioner being similar to the case of Birendra Singh, he also deserves to be enlarged on bail.

Going through the materials available on the record, I find that the case of the petitioner is prima facie similar to the case of Birendra Singh and since Birendra Singh has been granted bail by learned Co-ordinate Bench of this Court more than one year back, there is no reason why this petitioner should not be enlarged on bail. let the petitioner above named be released on bail on furnishing bail bond of Rs.25,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned



Special Judge, N.D.P.S., Aurangabad, in connection with Barun P.S. case No.55 of 2017, on the following conditions :

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Rajeev Ranjan Prasad, J)

N.H./- Ranjeet

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