

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21772 of 2019

Arising Out of PS. Case No.-2 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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RAFIQUE ANSARI Son of late Sarique Ansari Resident of Village - Lalwari,
Ward No. 2, P.S.- Bela, Distt - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amit Kumar Jha
For the Opposite Party/s : Mr.Shailendra Kumar Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
30.07.2018 in connection with Case No. C2-2/18 for offences
punishable under Section 20(b) of the NDPS Act.

The prosecution case, as lodged by the excise
officials, is that they apprehended the petitioner from an auto
rickshaw, who tried to flee away. On search 43.900 kg of
substance like ganja was recovered from the polythene bag in
the auto rickshaw. Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history and was
only the driver of the said auto rickshaw. The contraband item



has not yet been ascertained by any FSL report and it did not belong to him but must have belonged to some passenger. He further submits that nothing has been recovered from his conscious possession and charge-sheet has already been submitted there being no allegation of tampering with the prosecution witnesses. The petitioner is languishing in judicial custody for more than 8 months.

However, learned APP for the State opposes the prayer for bail.

Considering the nature of allegations and the materials on record as well as the fact that petitioner does not bear any criminal antecedent, as stated in paragraph 3 of this application, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge cum Special Judge, Sitamarhi, in connection with Case No. C2-2/18, subject to the following conditions :

1. One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.



2. If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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