

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24367 of 2019

Arising Out of PS. Case No.-215 Year-2018 Thana- TURKAULIYA District- East
Champaran

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1. MANTU @ MURTUJA ALI Son of Ali Hassan Ansari Resident of Village - Marhwa, Turkaulia, P.S.- Turkaulia, Distt.- East Champaran.
 2. Jikrullah Son of Ali Hassan Ansari Resident of Village - Marhwa, Turkaulia, P.S.- Turkaulia, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha

For the Opposite Party/s : Mr.Ahmad Ali

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 27-09-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of NDPS Case N0. 22 of 2018 arising out of Turkaulia (Raghunathpur) P.S. Case No. 215 of 2018, disclosing offences under Sections 20/22/23/24 of the N.D.P.S. Act.

From the possession of co-accused Akhtar Alam, the police are said to have recovered 15 K.Gs of *ganja*. It is alleged that three persons were moving in suspicious circumstances including these two petitioners and the said Akhtar Alam and when they had started fleeing away on seeing police, the police chased them and arrested one Akhtar Alam. From possession of Akhtar Alam thus, 15 K.Gs of *ganja* was recovered. The petitioners have been



implicated on the disclosure of the said Akhtar Alam that the petitioners were the persons, who were managed to flee away.

Learned counsel appearing on behalf of the petitioners has submitted that no offence can be said to be made out against the petitioners on the basis of what has been alleged in the First Information Report inasmuch as they were not found to be possession of any psychotropic substance nor there is any allegation that they were in possession. Akhtar Alam has been allowed regular bail by this Court by an order dated 13.03.2019 passed in Cr. Misc. No. 15539 of 2019. The quantity of ganja seized by the police is in commercial quantity.

Considering the above submission advanced on behalf of the petitioners, this application is allowed.

Let the petitioners above named in the event of their arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand)each with two sureties of the like amount each to the satisfaction of the learned 7th Additional Sessions Judge, Motihari in NDPS Case No. 22 of 2018 arising out of Turkaulia (Raghunathpur) P.S. Case No. 215 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the



case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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