

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26048 of 2020

Arising Out of PS. Case No.-34 Year-2008 Thana- JOKIHAT District- Araria

MD. SADIK HUSSAIN @ MD. SADIK Son of Matiur Rahman Resident of
Village- Chilhaniya, P.S.- Jokihat (Mahalgown), District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Adv.

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

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(The proceedings of the Court are being conducted through Video
Conferencing and the Advocates joined the proceedings through
Video Conferencing from their residence.)

2 20-10-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in a case
registered for the offence punishable under Section 18 of the
N.D.P.S. Act.

Allegation against the petitioner is to have indulged
in cultivation of poppy plants in his two kathas of land for
which informant who is a police officer raided the alleged land
and seized poppy plants with flowering in one bundle.

It has been submitted on behalf of the petitioner that
he is innocent and has falsely been implicated in this case due to
dirty local village politics. It is further submitted that the land



on which poppy plants with flowering in one bundle was found does not stand recorded in the name of the petitioner and even the weight of the bundle of the poppy plant was not mentioned in the FIR or seizure list and petitioner has no concern with the alleged land or poppy plants etc. Police after investigation found case not to be true but learned court has taken cognizance differing from opinion expressed by police. Petitioner has no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Jokihat (Mahalgon). P.S. Case No. 34 of 2008 subject to the condition as laid down under Section 438(2) of the Cr.P.C with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be present on each and every date fixed by the court and his



absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

Rajiv/veena

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