

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22720 of 2020

Arising Out of PS. Case No.-170 Year-2019 Thana- GOPALPUR District- Gopalganj

Nizamuddin Ansari Son of Habibullah Ansari Resident of Village - Bodha Chhapar, P.S.- Gopalpur, District - Gopalganj. At present resident of Raja Ram Narahwa, P.S.- Gopalpur, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-09-2020 The Court proceeding has been conducted through virtual mode.

Heard learned counsel for the petitioner and learned APP for the State.

Since the court proceeding in physical mode is non-functional, due to present pandemic, COVID-19, the matter is listed with defects.

Learned counsel for the petitioner undertakes to remove the defects within three weeks of resumption of court proceeding in physical mode. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the bench.

The petitioner is languishing in custody since



25.02.2020 in a case registered for the offences punishable under Sections 8, 20, 25 and 29 of NDPS Act, hence, the prayer for bail has been made through the present application.

The prosecution case, as per the self statement of S.I., Ajit Kumar Singh, SHO, Gopalpur Police Station recorded on 09.09.2019 at 11.15 A.M. at Village – Rajaram Narahwa in the district of Gopalganj, is to the effect that on the same day at 9.45 A.M., a confidential information was received that one Nizamuddin Ansari, the petitioner, accused in a case under NDPS Act is again indulged in the trafficking of the drugs and has concealed Ganja near the poultry farm of Wasir Mian, father-in-law of the petitioner. Consequently, a raid was laid and 30.230 kgs of Ganja was recovered from the area adjacent to the poultry farm, when on seeing the police party, one person escaped from the scene, whose identity was disclosed by nearby people as Nizamuddin Ansari, the petitioner.

It is submitted by learned counsel for the petitioner that the recovery has not been made from the possession of the petitioner. He has simply been roped in the present case since he is son-in-law of Wasir Mian as recovery was made from the area adjacent to his poultry farm. Though the petitioner is accused in one other case registered under NDPS Act but he is on bail in



that case and investigation has already been concluded.

Learned APP for the State submits that the recovery has been made from near the poultry farm of Wasir Mian, who is father-in-law of the petitioner and the petitioner escaped from the scene.

Considering the fact that the recovery has been made from an open area adjacent to poultry farm, hence, prima facie, it appears that the recovery has not been made from the possession of the petitioner neither the place of recovery belongs to the petitioner and investigation has already been concluded, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned 1st Additional Sessions Judge -cum- Special Judge, N.D.P.S., Gopalganj in connection with Gopalpur P.S. Case No. 170 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned



through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge -cum- Special Judge, N.D.P.S., Gopalganj in connection with Gopalpur P.S. Case No. 170 of 2019.

The learned Court below is at liberty to further extend the period of provisional bail if the court proceeding in physical mode will not resume in next three months.

Accordingly, the application stands disposed of.

(Dinesh Kumar Singh, J)

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