

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29059 of 2020

Arising Out of PS. Case No.-9 Year-2020 Thana- VALMIKINAGAR District- West
Champaran

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AZARUDDIN ANSARI S/o Kalamuddin Ansari Resident of Village-Barwat
Sena, P.S-Bettiah (Town), District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 15-12-2020 As of now the Courts have not resumed normal physical
hearing, the matter has been listed today for consideration through
Video Conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and Secretary
are also part of this virtual court proceedings from their homes, all
with the aid of audio visual technology.

Mr. Shailendra Kumar, APP is appearing for the State as
it is submitted that the brief has been allotted to him by the office of
Advocate General.

Heard learned Counsel for the petitioner and the learned
Counsel for the State.

. This Court would expect that the petitioner's Counsel
would honour his undertaking in the instant proceedings regarding
supply of requisite court fee etc. within two weeks from the date he
is called upon to do so by the office.

Petitioner seeks bail in NDPS Case No. 8 of 2020 arising
out of Valmikinagar PS Case No. 9 of 2020 registered under Sections
20 and 22 of the NDPS Act.



13.4 Kg of Ganja is alleged to have been recovered from a motorcycle on which the petitioner along with co-accused Musfata was moving.

Learned Counsel for the petitioner submits that it is a case of false implication. There is total non compliance with the mandatory procedure prescribed under the NDPS Act. Recovery is not from the conscious possession of the petitioner and the petitioner has no criminal antecedent. Co-accused Musfata, who is identically situated as the petitioner, has already been allowed bail in Cr. Misc. No. 30666 of 2020 and the alleged recovery is less than commercial quantity. The petitioner is now in custody since 6.3.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sessions Judge, West Champaran in NDPS Case No. 8 of 2020 arising out of Valmikinagar PS Case No. 9 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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