

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35049 of 2020

Arising Out of PS. Case No.-82 Year-2019 Thana- BALTHAR District- West Champaran

Afaroj Alam, Son of Mansoor Alam, Resident of Village-Sarisawa Bazar,
Police Station-Majhauria, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arjun Prasad

For the Opposite Party/s : Mr.Atul Chandra

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-12-2020 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

Since the physical court proceeding 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 as pointed out by the office within three weeks of normal functioning of the court, failing which the office is directed to place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Sections 8 and 20 of the N.D.P.S. Act.

The prosecution case in brief is that as per FIR, on 13.09.2019, the informant received a secret information that two miscreants are coming towards Nepal in India boarder with



contraband articles by blue-white colour Auto-Rickshaw, which was without number plate. When the informant alongwith QRT Team reached near Pillar No. 410 then saw that two miscreants in blue-white coloured Auto-rickshaw are coming. Then the raiding party stopped this vehicle. On interrogation, they disclosed their names and after search 6 kg. Ganja in brown colour plastic bag was recovered inside the back sheet of the said vehicle.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The petitioner is the passenger of the seized Auto-Rickshaw from which the alleged Ganja was recovered. There is no recovery from the conscious possession of the petitioner. The petitioner is in custody since 14.09.2019. The petitioner has got no criminal antecedent which is mentioned in para 3 of the bail application. The co-accused has been granted bail by a Co-ordinate Bench of this Court vide order dated 18.03.2020 passed in Cr. Misc. No. 82740/2019.

Learned APP for the State opposes the prayer for bail petition.

In the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail



bond of Rs. 25,000/- (rupees twenty five thousand) with two sureties of the like amount each in connection with Balthar P.S. Case No. 82/2019 to the satisfaction of the learned District and Sessions Judge, West Champaran at Bettiah.

(Anjani Kumar Sharan, J)

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