

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.864 of 2021

Arising Out of PS. Case No.-370 Year-2020 Thana- SUGAULI District- East Champaran

1. BIJALI DEWAN @ NEZAMUDDIN DEWAN Son of Ash Mohammad Resdient of Village- Jhakiya, P.S.- Banjariya, Distt- East Champaran
2. MD. MERAJUL @ MERAJUL DEWAN Son of Ash Mohammad Resident of Village- Jhakiya, P.S.- Banjariya, Distt- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar, Advocate

For the Opposite Party/s : Mr.Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-12-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

Counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of eight weeks.

Counsel for the petitioners seeks permission to withdraw the present application on behalf of petitioner No.1, as the petitioner No.1 has been taken into judicial custody.

Permission is accorded.

The application filed on behalf of petitioner No.1 is dismissed as withdrawn.

The petitioner No.2 is apprehending his arrest in



connection with N.D.P.S. case No.27 of 2020 arising out of Sugauli P.S. case No.370 of 2020 registered under Sections 20 and 22 of the N.D.P.S. Act.

Allegation is that 100 kgs ganja is recovered from the truck.

It has been submitted on behalf of the petitioner No.2 that the petitioner No.2 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner No.2. The petitioner No.2 has been made accused due to mistake of fact. It is alleged that 100 kgs ganja is recovered, which belongs to the petitioner no.1, who has already been taken into judicial custody and the application for anticipatory bail has been dismissed as withdrawn against the petitioner No.1. So far the petitioner No.2 is concerned, he has been made accused in the present case as he happens to be the brother of co-accused i.e. petitioner No.1. Except for this, there is no other substantive evidence to suggest the implication of the petitioner No.2 in this case. There is no recovery of any contraband from the conscious possession of the petitioner No.2.

On behalf of the State, it is submitted that the petitioner No.2 is named in the complaint case/F.I.R.

Considering the facts and circumstances of the case,



the petitioner No.2, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with N.D.P.S. case No.27 of 2020 arising out of Sugauli P.S. case No.370 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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