

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13985 of 2022

Arising Out of PS. Case No.-13 Year-2022 Thana- BELA District- Sitamarhi

ASHRAF SHEIKH S/o Md. Sahub Sheikh @ Md. Sahub R/o village- Bela,
P.S.- Bela, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh
For the Opposite Party/s : Mr.Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 15-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Bela P.S. Case No. 13 of 2022 for the offence punishable under
Sections 8, 20(B)(ii)(C), 21(C), 22(C) and 23(C) of the N.D.P.S.
Act.

As per the allegation made in the F.I.R., 7 Kg of ganja
was recovered from a plastic bag. Allegation against the
petitioner is that on the threat of being apprehended by the SSB
officials, he tried to flee away from the place of occurrence,
however he was apprehended.



Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that petitioner is not involved in smuggling of ganja or any contraband rather the said recovery has been made from a plastic bag near the road side, as such allegation of recovery from the possession of the petitioner is not sustainable. Nothing has been recovered from conscious possession of the petitioner. On mere suspicion, he has been made accused in the present case because he was found near the place of occurrence. He further submits that the recovered quantity of ganja is less than the commercial quantity. Petitioner has clean antecedent and is in custody since 11.01.2022.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the total quantity of ganja which is less than the commercial quantity, without going into the merits of the case, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Sitamarhi in connection with Bela P.S. Case No. 13 of 2022, subject to the



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 properly represented on each and every date fixed by the Court.

(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.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically loose its force.

(Purnendu Singh, J)

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