

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24620 of 2022

Arising Out of PS. Case No.-13 Year-2022 Thana- INARWA District- West Champaran

Mustafa Ansari @ Mustufa Ansari S/O Mukhtar Miya R/O Village- Nichta,
P.S.- Pathraiya, District- Parsa (Nepal) Permanent R/O Village Inarwa, P.S.-
Inarwa, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-08-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Bimlesh Kumar Pandey, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Inarwa P. S. Case No. 13 of 2022 registered for the offence punishable under Sections 20(b), (II) (B), 23(b), 29 of N.D.P.S. Act.

As per the prosecution case, it is alleged that while the S.S.B personnels were on his duty, they received an information and on the said information, they apprehended two persons. It is further



alleged that on search 11.5 kg of Ganja and one mobile phone was recovered from possession of the petitioner. It is further alleged that from another person 8 kg charas and one mobile has also been recovered.

Learned counsel appearing on behalf of the petitioner and submits that just two days prior to the alleged occurrence the wife of the petitioner had lodged Inarwa P.S. case no 7 of 2022 wherein this petitioner was one of the witness and the accused of Inarwa P.S case no. 7 of 2022 taking the S.S.B personnels in conclusion, got the petitioner implicated in this case. It is further submitted that alleged recovery is lesser than the commercial quantity and as such the rigors provided under section 37 of the N.D.P.S. Act was not be applicable in this case. It is next submitted that alleged recovery of Ganja like substances has not been examined by the Forensic Science Laboratory and without obtaining the FSL report the charge-sheet has been submitted which vitiates the entire investigation. It is next submitted that this petitioner having fair antecedent is in custody since 15.02.2022 and moreover, the investigation of the crime is completed and the charge-sheet has been submitted.

Having regard to the submissions made on behalf of the parties and considering the fact that the alleged recovery of Ganja like substance is less below than commercial quantity and the charge-sheet has been submitted without obtaining the FSL report and the petitioner is having clean antecedent ,let the petitioner, above named,



be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge, Bettiah, West Champaran in connection with Inarwa P. S. Case No. 13 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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