

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24006 of 2022

Arising Out of PS. Case No.-135 Year-2020 Thana- PUNAURA District- Sitamarhi

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Aftab Ansari @ Afatab Ansari @ Shabu Ansari Son of Abdul Rahman Ansari
@ Radda Rahaman Ansari Resident of Village Aziz Nagar, Ward no. 3, P.S.
Punaura, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Adv.

For the Opposite Party/s : None

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 16-09-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner through
virtual mode and learned A.P.P. for the State not appeared.

The petitioner seeks regular bail in connection with
Panaura P.S. Case No. 135 of 2020, lodged under Sections
8/20(b) (iii) (c) of Narcotic Drugs and Psychotropic Substances
Act, 1985.

As per the prosecution case, the total recovery of
56.500 Kgs of *Ganja* was made from the vehicle. No one was
arrested from the place of occurrence, rather the present
petitioner has been identified by *Chowkidar* who fled away
from the place of occurrence.

Learned counsel for the petitioner submits that the petitioner was not apprehended from the place of occurrence. He further submits that the recovery of 56.500 Kgs of *Ganja* was alleged to be made from an Innova Car. He further submits that name of petitioner was figured in this case due to the reason that the local *Chowkidar* has identified the name of petitioner. Learned counsel for the petitioner further submits that antecedent of petitioner is clean and he is in custody since 15.11.2021. He further submits by virtue of supplementary affidavit that the charge sheet has been filed without FSL report and he also relied upon a judgment decided on 02.12.2021 by Co-ordinate Bench of this Court in the case of ***Ram Babu Yadav Versus The State of Bihar*** passed in Cr. Misc. No.21326 of 2021.

Upon call no one appeared on behalf of State.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty thousand) with two sureties of the like amount each to the satisfaction of learned ASJ – III – cum – Special Judge (NDPS), Sitamarhi in connection with Panaura P.S. Case No. 135 of 2020, subject to the conditions as laid down under Section

437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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