

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33274 of 2021

Arising Out of PS. Case No.-37 Year-2021 Thana- JOGBANI District- Araria

MD. BHOLA ANSARI S/o Chhotu Master @ Chhote Mian R/o Village-
Khajurbari, Ward No. 06, P.S.- Jogbani, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 34305 of 2021

Arising Out of PS. Case No.-37 Year-2021 Thana- JOGBANI District- Araria

TABARAK @ MD. TABARAK Son of Md. Kayyum Resident of Village -
Ahmadpur, Ward No.16, P.S.- Joghbari, Distt.- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 33274 of 2021)

For the Petitioner/s : Mr.Kundan Kumar Singh, Adv

For the Opposite Party/s : Mr.A.P.P.

(In CRIMINAL MISCELLANEOUS No. 34305 of 2021)

For the Petitioner/s : Mr.Kundan Kumar Singh. Adv

For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 25-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

A supplementary affidavit, carrying out necessary correction in the main petition, has been filed on behalf of petitioner Md. Bhola Ansari, which is kept on record.



Heard learned counsel for the petitioners and learned APP for the State.

Petitioners seek bail in a case registered for the offences punishable under Sections 20,21-B,22,23 of the N.D.P.S.Act.

The prosecution case, in short, is that on 12.02.2021, the petitioners alongwith co-accused Md.Mohsin have caught by the police for having found in illegal possession of smack powder contraband 15 sachet each containing 05 Gm total 75 Gms from petitioner Bhola Ansari alongwith Nepali currency and petitioner Tabarak also boarding in the same motorcycle of petitioner Bhola Ansari and on search having found in illegal possession of contraband Smack 06 Sachet of 5 Gm each total 30 Gms from petitioner Tabarak and a Lava Mobile. Likewise co-accused Mohsin has also been found in illegal possession of contraband Smack of 10 sachet of 05 Gm each total 50 Gms as well as motorbike and Nepali currency.

Learned counsel appearing for the petitioners submits that petitioner-Tabarak @ Md. Tabarak has clean antecedent. He further submits that the petitioners have falsely been implicated in the present case only on the basis of suspicion. He further submits that it appears from the FIR as well as seizure



list that altogether 25 Gms of Heroine has been recovered from conscious possession of the petitioners. He further submits that the recovered Heroine is less than small quantity and Section 37 of the N.D.P.S.Act has not come on the way to enlarge the petitioners on bail. He further submits that the police, after investigation, submitted chargesheet against the petitioners. Learned counsel for the petitioners further submits that, on instruction, during pendency of the bail petition, the charge has been framed against the petitioners and they are in custody since 20.02.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that petitioner Md. Bhola Ansari carries two more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousands) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Special Case No.07 of 2021 arising out of Jogbani Police Station Case No.37 of 2021, with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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