

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34455 of 2020

Arising Out of PS. Case No.-127 Year-2020 Thana- BARUN District- Aurangabad

ASAGAR ANSARI @ MD. ASAGAR ANSARI, son of Isahak Ansari
Resident of Village- Jogiya, P.S.- Barun, District- Aurangabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar Pandey

For the Opposite Party/s : Mr. Kumar Veerendra Narayan

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

6 19-01-2022 Heard Mr. Santosh Kumar Pandey, learned counsel

for the petitioner and learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Barun P. S. Case No. 127 of 2020, dated 18.07.2020, instituted for the offences under Sections 8, 15 (c), 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

On secret information that narcotics has been stored in Guru Nanak Line Hotel in the district of Aurangabad, a raid was conducted. Three persons are said to have been arrested from such hotel. 1.840 kgs of opium and some other narcotic substances are said to have been



recovered from one of the rooms of the hotel. From the house of one Maksood Alam, opium and Doda were also recovered.

Mr. Pandey, learned counsel for the petitioner has submitted that he has been named by the arrested accused persons. The line hotel in which raid was conducted is stated to belong to the petitioner.

The learned counsel for the petitioner however has submitted that four months prior to the date of raid, the aforesaid hotel was let out to one Maksood Alam from whose house also recovery of narcotics has been made.

The learned counsel for the petitioner in support of this contention has drawn the attention of this Court to the rent agreement entered into between the petitioner and aforesaid Maksood Alam.

Taking this fact into account, one of the brothers of the petitioner has been granted anticipatory bail by this Court by order dated 27.07.2021 passed in Cr. Misc. No. 2891 of 2021.

Though the petitioner was made accused in two



cases, one being of similar nature, but in both the cases, he is on bail.

Considering the aforesaid nature of accusation against the petitioner and the fact that he had let out the line hotel to one Maksood Alam, he, in the event of his arrest or surrender before the court below within a period of six weeks, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge cum Special Judge, Aurangabad, in connection with Barun P. S. Case No. 127 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

This petition stands allowed.

However, the petitioner is cautioned that if he does not cooperate in the investigation or if the case goes to trial, he does not participate in the trial proceedings, his bail would be rendered liable to be cancelled.

At the time of acceptance of the bail bonds of the petitioner, the court below shall insist for an additional



affidavit by the petitioner giving an undertaking that he shall keep his mobile telephone operative, sim number of which shall be provided in the aforesaid undertaking and that he shall obtain the prior approval of the competent Court before leaving the territorial confines of the State of Bihar. He shall also get his presence marked by the Officer Incharge of the Police Station in which he resides on first Monday of every month.

Any breach of the aforesaid conditions which the petitioner shall undertake by way of an affidavit at the time of filing of bail bonds would entitle the investigator of this case to proceed for cancellation of his bail and in that eventuality, the court below shall proceed in the matter in that direction in accordance with law.

The petition stands disposed off accordingly.

(Ashutosh Kumar, J)

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