

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38203 of 2022

Arising Out of PS. Case No.-460 Year-2021 Thana- JOKIHAT District- Araria

Md. Junaid @ Md. Junaid Alam Son Of Md. Asgar @ Asgar R/O- Vill-
Chirah, Ward No. 1, P.S.- Jokihat (Mahalgaon), Dist.- Araria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 41587 of 2022

Arising Out of PS. Case No.-460 Year-2021 Thana- JOKIHAT District- Araria

MD. WASIQUE @ ASHIQUE Son of Late Safimuddin Resident of Village-
Chirah Ward No. 01, Police Station- mahalgaon (Jokihat), District - Araria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 38203 of 2022)

For the Petitioner/s : Mr.Nafisuzzoha

For the Opposite Party/s : Mr.Syed Mojibur Rahman

(In CRIMINAL MISCELLANEOUS No. 41587 of 2022)

For the Petitioner/s : Mr.Mukesh Kumar Rana

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 30-11-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The instant application for anticipatory bail has been
filed by the petitioners apprehending their arrest in connection
with Jokihat (Mahalgaon) P.S. Case no. 460 of 2021 instituted
for the offence under Sections 8, 20(b)(ii)(c) of the NDPS Act.



Prosecution case relates to recovery of total 75.29 kg Ganja in different packets from house of the co-accused namely, Md. Wasique @ Ashique.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have falsely been made accused in this case. The name of the petitioners transpire in this case on the basis of secret information. It is further submitted that neither the petitioners were apprehended on spot nor any incriminating article has been recovered from their conscious possessions. The seized Ganja has been recovered from the house of co-accused namely, Md. Wasique @ Ashique.

Learned APP appearing for the state has opposed the prayer of anticipatory bail and submitted that the place from where the recovery of Ganja has been made belongs to the Md. Wasique @ Ashique who is petitioner in **Cr. Misc. No. 41587 of 2022.**

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner namely, **Md. Junaid @ Md. Junaid Alam in Cr. Misc. No. 38203 of 2022** on bail. The petitioner is directed to surrender in the Court below within



a period of four weeks from today and in the event of their arrest or surrender in connection with Jokihat (Mahalgaon) P.S. Case no. 460 of 2021, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned District & Sessions Judge, Araira subject to the conditions as laid down under section 438(2) of the Cr.P.C.

So far as petitioner namely, Md. Wasique @ Ashique in **Cr. Misc. No. 41587 of 2022 is concerned**, and taking into consideration that incriminating Ganja has been recovered from his house, I am not inclined to grant bail to the petitioner and, as such, his application for bail is rejected.

(Sunil Kumar Panwar, J)

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