

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65894 of 2021**

Arising Out of PS. Case No.-200 Year-2019 Thana- ADAPUR District- East Champaran

MOTALIM ANSARI @ MOTILAL ANSARI S/O SARIF MIAN R/o village-
Kailanpur, P.S.- Devapur, District- Bara (Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Adv.
For the Opposite Party/s : Mr.Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-05-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, be removed within four
weeks.

The petitioner is in judicial custody since 17.08.2019
in connection with N.D.P.S. Case No.60 of 2019 arising out of
Adapur P.S. Case No.200 of 2019 registered under Sections 8,
20(b), (ii),(c) of the N.D.P.S. Act.

As per the prosecution story, the police conducted raid
and altogether five persons were apprehended along with two
motorcycles. The further allegation in the FIR is that from
accused Rahamtullah Ansari, 14.900 Kg. of ‘Charas’ was seized
whereas from co-accused Sanjay Kumar, 14.400 Kg. of the said
‘Charas’ was seized.

The counsel for the petitioner submits that he is



victim of circumstance and was just crossing the road and the police apprehended him on suspicion and dragged him with the other co-accused and the alleged seizure. He further submits that he has no criminal antecedent and is in jail since 17.08.2019.

Admittedly, seizure has been made from Rahamtullah Ansari and Sanjay Kumar and not from this petitioner. The para-3 of the bail application shows that he does not have criminal antecedent. He is in jail since 17.08.2019 and one similarly situate co-accused Javed Ansari @ Md. Javed Ansari has since been released vide bail order dated 12.08.2021 by a co-ordinate Bench of this Court in Cr. Misc. No.28856/2021 (which has been made part of the bail application as Annexure-2) and thus this Court is inclined to grant him privilege of bail but with the condition that in case contrary to the statement made in para-3 (that he has no criminal antecedent), if it is found that he does have criminal antecedent; this bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs.25,000/-(twenty five thousand) with two sureties of the like amount each in connection with N.D.P.S. Case No.60 of 2019 arising out of Adapur P.S. Case No.200 of 2019 to the satisfaction of learned Second Additional Sessions



Judge/Special Judge, Motihari, East Champaran, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his presence.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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