

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36168 of 2023

Arising Out of PS. Case No.-53 Year-2023 Thana- DHAMDAHA District- Purnia

RAJU ANSARI S/O ARIF ANSARI @ ARIF HUSSAIN R/O Amari Kukrain
Ward No. 12, P.S- Dhamdaha, Distt.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal, Advocate
For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-07-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is in judicial custody in connection with Dhamdaha P.S. Case No.53 of 2023 instituted under Section 8(c)/21(b) of the NDPS Act lodged on 14.03.2023 by the informant Kesho Prasad.

As per the FIR, informant on secret information regarding doing illegal business Smack (Brown Sugar) by this petitioner at Kabristan Road, Kukraun reached there and apprehended him after the chase. On being asked, the apprehended person disclosed his name as Raju Ansari. Informant after complying the provision of section 50 of the NDPS searched the petitioner in presence of two independent witnesses and recovered 11.25 Grams Smack (Brown Sugar), which was kept in his pocket in Polythene and Mobile with SIM



from the possession of this petitioner. Accordingly, Informant prepared seizure list and arrested the petitioner. He also disclosed that smack is being brought from one Gaurav Singh of Sarsi and sold it to Anand Rai and Vicky Paswan in wholesale. Accordingly, the FIR.

It has been submitted by the learned counsel for the petitioner that the total recovery /seizure is 11.25 gms 'Ganja' like substance, he do not have criminal antecedent and has been falsely implicated by putting the same in his pocket.

Learned APP opposes the prayer but concedes that the recovery /seizure is 11.25 gms of 'Ganja' like substance.

Taking into account the period of custody as also the fact that he do not have criminal antecedent and will ultimately have to face the trial, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Dhamdaha P.S. Case No.53 of 2023 to the satisfaction of learned Sessions Judge cum Special (NDPS Act) Judge, Purnea, 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 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 reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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