

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56349 of 2023

Arising Out of PS. Case No.-193 Year-2023 Thana- BAISI District- Purnia

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Gulam Jilani S/O Ashik Ansari @ Ashik Mo. Ansari Resident Of Haripur,
Ward No. - 9, P.S. - Haripur, District Sarlahi (NEPAL)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate
For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
11.05.2023 in connection with Baisi P.S. Case No. 193 of 2023
Special (NDPS Act) Case No.52 of 2023, F.I.R. dated
10.05.2023 for the offences punishable under Sections 8/20(b)
(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act.

3. The case relates to recovery of 4.900 kg *Ganja* like
substance from the bag of the petitioner.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that from
perusal of the FIR as well as seizure list that 4.900 kg. of the
Ganja has been recovered from the petitioner and 5.300 kg. of
Ganja from the possession of co-accused person, namely, Md.



Jishan. He further submits that provision of Section 37 of the N.D.P.S. Act is not applicable in this case and the recovered contraband is not a commercial quantity. He further submits that similarly situated, co-accused, namely, Mohd. Jisan has been granted bail by a co-ordinate Bench of this Court vide order dated 30.08.2023 passed in Cr. Misc. No. 55319 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 11.05.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge cum Special (NDPS Act) Judge, Purnea in connection with Baisi P.S. Case No. 193 of 2023 Special (N.D.P.S. Act) Case No.52 of 2023, subject to the following conditions:-

i. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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)

Prakash Narayan

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