

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15054 of 2024

Arising Out of PS. Case No.-22 Year-2024 Thana- NARPATGANJ District- Araria

Mojaammil Ansari @ Mujaammil Ansari @ Md. Mojaammil Ansari S/o- Late
Islam Ansari Village- Basmatiya W.No-7, Ps- Narpatganj OP Basmatiya Dist-
Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Thakur Brajesh Singh, Adv.

For the Opposite Party/s : Mr.Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 13-03-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with
Narpatganj (Basmatiya OP) PS Case No. 22 of 2024, dated
10-01-2024, instituted for the offence punishable under Sections
21(c), 22 and 23 of the NDPS Act.

3. The informant got secret information that one Ebtakar
Alam is indulged in the illegal trade of *Ganja* and looking
forward to deliver the same. On the information, he constituted a
team and raided at the house of said Ebtakar Alam. The person
came out from the house, during the raid was apprehended, who
disclosed his name Mojaammil Ansari. On inquiry about the
house, he disclosed that the house belonged to said Ebtakar



Alam. In search of the house, total 124 Kg Ganja in different packets was recovered. Seizure list was prepared.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has been falsely implicated in this case. It is submitted that nothing has been recovered from the conscious possession of the petitioner or from the house of the petitioner. There is specific case about recovery of the said contraband articles from the house of co-accused, namely, Ebtakar Alam. The petitioner disclosed that the house belonged to said Ebtakar Alam and, subsequently, he was arrested by the police. It is also submitted that there is no independent witness to the seizure list. It is next submitted that petitioner is separate from his brother, namely, Ebtakar Alam. He has no concern with the illicit trade of Ebtakar Alam. It is submitted that three criminal cases are pending against the petitioner. He is in custody since 11-01-2024.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sessions-cum-the Special



Judge, NDPS Act, Araria, in Narpatganj (Basmatiya OP) PS Case No. 22 of 2024 subject to the following condition:- (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed 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) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that 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.

(Khatim Reza, J)

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