

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50590 of 2024

Arising Out of PS. Case No.-18 Year-2024 Thana- YADOPUR District- Gopalganj

Shamim Ansari S/o Noor Hasan Miyan Resident of Village Chatur Bagaha,
P.S. - Yadavpur, Distt. - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 54304 of 2024

Arising Out of PS. Case No.-18 Year-2024 Thana- YADOPUR District- Gopalganj

Sabir Hussain S/o Sadak Mian R/o vill - Bagaha (Bishunpur), P.S. - Jadopur,
Distt. - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 55557 of 2024

Arising Out of PS. Case No.-18 Year-2024 Thana- YADOPUR District- Gopalganj

Ranjeet Kumar S/o Krishna Sah Village- Chatur Bagaha, P.S. -Yadopur,
District -Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 50590 of 2024)
For the Petitioner/s : Mr. Kumar Harshvardhan, Adv.
For the Opposite Party/s : Mr. Umeshanand Pandit, APP
(In CRIMINAL MISCELLANEOUS No. 54304 of 2024)
For the Petitioner/s : Mr. Lokesh Kumar Singh, Adv.
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP
(In CRIMINAL MISCELLANEOUS No. 55557 of 2024)
For the Petitioner/s : Mr. Javed Aslam, Adv.
For the Opposite Party/s : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA



ORAL ORDER

3 25-09-2024 Heard learned counsel for the petitioners and learned
A.P.P for the State.

2. The petitioners seek bail in connection with Yadavpur P.S. Case No 18 of 2024 dated 14.02.2024 registered for the offence punishable under Section 8/20 (b)(ii)(c) of the N.D.P.S. Act.

3. The prosecution case, in short, is that on 14-02-2024 the informant received secret information that in bushes behind Durga Mandir, situated at village-Chatur Bagaha, *Ganja* is kept and four persons are trying to take it somewhere. On such information, the informant along with police force proceeded and arrived at the village-Chahtur Bagaha and having seen the police jeep, four persons started fleeing away but they were apprehended by the police party. On interrogation, they disclosed their names and they further disclosed that they have kept the *Ganja* in bushes behind Durga Mandir and on search, total 30.900 kg *Ganja* kept in two plastic bags lying in bushes was recovered. Thereafter, seizure-list of *Ganja* was prepared and petitioners along with another accused was arrested by the police.

4. Learned Counsel for the petitioners submits that the



petitioners are innocent and have been falsely implicated in this case. It is submitted that nothing has been recovered from conscious possession of the petitioners rather the alleged *Ganja* was recovered from the bushes behind Durga Mandir as per the F.I.R.. It is submitted that as per the F.I.R., the police received secret information with regard to the said *Ganja* kept in the bushes at 11:00 am and police raid was conducted at 2:00 pm. It is not convincing that the petitioners were moving on the road only awaiting the police personnel to come and arrest them. It is further submitted that there is violation of mandatory provision of NDPS Act as there is non-compliance of Sections 42 and 52A of the NDPS Act. The petitioners are in custody since 15.02.2024, petitioner, namely, Shamim Ansari has no criminal antecedent, petitioner, namely, Sabir Hussain has one criminal case against him, petitioner, namely, Ranjeet Kumar has no criminal antecedent and charge-sheet has been submitted in the case.

5. Learned A.P.P for the State opposes the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners 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 learned Sessions Judge, Gopalganj, Bihar in connection with Yadavpur P.S. Case No. 18 of 2024, subject to the following conditions:-

- 1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.
- 2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or their wife.
- 3. The bailor shall also state on affidavit that he/she will inform the court concerned if the petitioners are made accused in any other case of similar nature after their 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.
- 4. If the petitioners tamper 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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