

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83745 of 2023

Arising Out of PS. Case No.-369 Year-2021 Thana- BAJPATTI District- Sitamarhi

Md. Kamal Ansari Son Of Late Muslim Ansari R/O Village- Pathanpura, P.S.-
Sursand, Dist.- Sitamarhi

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Union Of India Through The Secretary, Ministry Of Home Narcotic
Drugs Control Bureau, New Delhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 09-02-2024 Heard learned counsel for the petitioner and

learned APP for the state.

The instant application is renewed by the
petitioner for regular bail which has been filed in
connection with Bajpatti P.S. Case No. 369 of 2021
instituted for the offence u/s 399, 402, 413, 414 of the
Indian Penal Code, Section 25(1-b)a, 26, 35 of Arms
Act and Section 8/20 (b)(ii) (c)/22 of NDPS Act.

Earlier the application for regular bail of the
petitioner was rejected by order dated 04.05.2023
passed in Cr. Misc. No. 71160 of 2022 with an



observation to learned trial court to expedite the trial and conclude the same as early as possible.

As per allegation in the F.I.R., 1 kg Charas like substance and mobile have been recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that as per seizure list, weight of contraband is 1 kg, which clearly suggests that same was not measured to ascertain the quantity while preparing before the seizure list and moreover same appears to be wrapped in black polythene and if any weight for said polythene be deducted from the recovered quantity certainly, it would come to less than commercial quantity for seized contraband. There is no independent witness of the alleged seizure. Moreover, petitioner is languishing in judicial custody since 28.12.2021. Similarly situated co-accused persons from whose possession 1 kg charas like contraband substance wrapped in polythene was recovered, have been granted bail by co-ordinate Bench



of this Court.

From perusal of the trial court report (kept at flag R), it appears that the case is pending for appearance of four rest accused persons. In this case altogether ten witnesses are named in the charge-sheet as prosecution witnesses, who are to be examined. There is no hope to conclude the trial in near future.

Learned A.P.P. appearing on behalf of the State vehemently opposed the prayer of bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail, **after framing of charge, if not framed** in connection with Bajpatti P.S. Case No. 369 of 2021 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge



III-cum-Special Judge NDPS Act, Sitamarhi.

(Sunil Kumar Panwar, J)

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