

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6645 of 2024

Arising Out of PS. Case No.-140 Year-2023 Thana- KUNDWACHAINPUR District- East
Champaran

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1. Irfan Ansari Son Of Issa Mohammad Resident Of Vill- Khatwahiya, P.S.-
Gaur, Distt- Rautahat, Nepal
 2. Sajid Hussain Son Of Noor Mohammad Resident Of Vill- Khatwahiya, P.S.-
Gaur, Distt- Rautahat, Nepal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 29-05-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners seek regular bail in connection with
Kundwa Chainpur P.S. Case No.140 of 2023, lodged on
28.08.2023, under Sections 20(a)(ii)(B)/23(b)/25 of the N.D.P.S.
Act.

3. As per the prosecution, recovery of 5 Kg and 100
Gms of *Ganja* has been the subject matter of the present case.
Antecedent of both the petitioners are clean and they are in
custody since 29.08.2023.

4. Learned counsel for the petitioners submits that
from the FIR it transpires that there were five named persons



made accused in the present case and two persons were apprehended who have disclosed the name of other accused persons. Counsel submits that they are too young, aged about 19 years only, and under wrong impression they have been arrested. Counsel further submits that recovery has been made only from the possession of petitioner No. 1.

5. Learned counsel for the State opposes the prayer for bail and submits that both the accused persons were sitting on the motorcycle. Petitioner No. 2 was driving and petitioner No. 1 was in possession of the bag from which *Ganja* and other articles were recovered.

6. In the present facts and circumstances of this case and the submissions made above, let petitioner No. 2 be released on bail and petitioner No. 1 be released on bail **only after framing of the charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge/Special Judge, East Champarn, Motihari, in connection with Kundwa Chainpur P.S. Case No.140 of 2023, subject to the following conditions:

(i) One of the bailor should be the family member of the petitioners who shall provide official document to show his



bona fide;

(ii) The petitioners 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 their bail bonds by the Trial Court itself;

(iii) The petitioners shall appear before the concerned police station every month for one year to mark attendance;

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

(v) The petitioners 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.

(Dr. Anshuman, J)

Mkr./Ankit

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