

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72670 of 2024

Arising Out of PS. Case No.-207 Year-2020 Thana- ARARIA District- Araria

Hafijul Haque Son of Khabijal Hosain @ Khajul Hussain Resident of Village
- Choukushi, Balrampur, Gram Panchayat - Deosarai, P.S. - Toofanganj,
District - Kuchbihar (W.B.), Pin - 736156

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nishant Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-01-2025 Heard Mr. Nishant Kumar Sinha, learned counsel

for the petitioner and Mr. Choubey Jawahar, learned APP for the

State.

2. The petitioner is apprehending his arrest in
connection with Araria Baigachi P.S. Case No. 207 of 2020,
F.I.R. dated 09.03.2020 registered for the offences punishable
under Sections 20, 22, 24, 29 of the N.D.P.S. Act.

3. The case relates to recovery of 53.800 Kg. of
Ganja.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that the
allegation as alleged in the F.I.R. is false and fabricated and the



petitioner has not committed any offence as alleged in the F.I.R. He further submits that F.I.R. was instituted in the year 2020 and the police has come before the petitioner in the year 2024 on the ground that the name of the petitioner is mentioned in the owner book of the vehicle. Learned counsel for the petitioner submits that in fact the petitioner has sold the vehicle to one Rabbul Hossain in the year 2017 itself and he has annexed the sale deed which suggests that the petitioner has already sold the vehicle in question to Rabbul Hossain on 26.12.2017 itself.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge NDPS Act, Araria in connection with Araria Bairstach P.S. Case No. 207 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-



(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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)

Ibrar//-

U			
---	--	--	--

