

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26476 of 2015

Arising Out of PS.Case No. -226 Year- 2013 Thana -BAKHTIYARPUR District- PATNA

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1. Rajesh Kumar @ Rajesh Singh Son of Sri Ramlekha Singh resident of
village- Pahsara, P.S.- Naokothi, Distt.- Begusarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh

For the Opposite Party/s : Mr. Ram Sumiran Rai (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

4 16-10-2015 Heard the learned counsel for the petitioner as well as
the learned A.P.P.

The petitioner seeks bail in a case for the offences
punishable under sections 20 and 22 of the N.D.P.S. Act.

Allegedly, acting on a tip off that the contraband
article (Ganja) is being transported by truck bearing registration
no. BR-01GB-9801, the said truck was intercepted but the truck
driver, khalasi and one another person started fleeing away after
jumping from the said truck. However, Suresh Choudhary was
apprehended after chase who disclosed that about two quintals
Ganja is loaded on the said truck and the Ganja belongs to Amit
Kumar and his Bahnoi Rajesh Singh. He further disclosed that the
said Ganja was loaded at Katak and owner of the said truck is co-

accused Dani Singh.

Submission is of false implication and that nothing has been recovered from possession of the petitioner. Admittedly he was not on the said truck. No any specific overtact has been attributed against the petitioner. Neither the petitioner is Bahnoi of any Amit Kumar nor he is connected with him even in any business. Due to land dispute some altercation has taken place between the petitioner and Suresh Choudhary on 15.09.2013 and in this respect a case was lodged in Gram Kachahri Manjhaul, Begusarai but with the intervention of Sarpanch the matter was compromised on 16.09.2013 and this was the reason for false implication. The petitioner is suffering in custody since 05.04.2015 without any fault. Charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes prayer for bail by submitting that the co-accused had stated the name of the petitioner but it is true that from possession of the petitioner nothing has been recovered

In the facts and circumstances as stated above, the petitioner is directed to be released on bail on furnishing bail bond

of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-VII-Cum- Special Judge, NDPS, Patna in Special Case No. 69 of 2013, arising out of Bakhtiyarpur P.S. Case No. 226 of 2013, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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