

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8711 of 2015

Arising Out of PS.Case No. -78 Year- 2013 Thana -CHAKAI District- JAMUI

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1. Jairaj Giriya Son of Purushottam Giriya, Resident of village- Katras
(Near Police Station), Rajganj Road, P.S. Katras, District Dhanbad
(Jharkhand)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar

For the Opposite Party/s : Mr. Nand Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

3 19-05-2015 Heard Mr. Sanjay Singh for the petitioner and Mr.

Nand Kumar, APP for the State. A supplementary affidavit has

been filed on behalf of the petitioner.

Petitioner apprehends his arrest in connection with

Chakai P.S. Case No. 78 of 2013 instituted under Section 20 of the

N.D.P.S. Act on the basis of self-statement of Sub-Inspector of

Police, Chakai Police Station.

According to the prosecution case, 111 kg. of *ganja* in

different packets were seized from the car driven by Navin Kumar

Jha. Navin Kumar Jha disclosed the name of the petitioner from

where the packets were loaded. The Police is said to have raided

the shop of the petitioner wherefrom nothing was recovered.

Contention of the petitioner is that earlier to this,



maternal uncle of the informant had lodged a case against him vide Balua Bazar P.S. Case No. 5 of 2012 under Sections 364, 302 and 120B of the Indian Penal Code in which the police ultimately submitted final form (Annexure-3). Another case was also lodged earlier to this in which the police found nothing substantial against the petitioner. It has been submitted that save and except the confessional statement of the driver, there is nothing on record to relate the petitioner with the alleged occurrence.

Learned APP, on going through the case diary, concedes that the shop of the petitioner was raided wherefrom nothing incriminating was/were recovered. The petitioner claims to have clean antecedent.

In the facts and circumstances of the case, in the event of arrest or surrender in the Court below within four weeks, the petitioner abovenamed is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Learned Sessions Judge, Jamui in Chakai P.S. Case No. 78 of 2013 (N.D.P.S. Case No. 1/2013) subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(I) One of the bailers shall be the own/close family

members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner secure his arrest in accordance with law.

Pankaj/-

(Kishore Kumar Mandal, J)

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