

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9610 of 2016

Arising Out of PS.Case No. -84 Year- 2015 Thana -GAYA GRP CASE District- GAYA

1. Baidh Nath Sao @ Baij Nath Sao S/o Late Gori Shankar Saw, Resident
of village- Pali Road, Dehari, P.S. Dehari, District- Rohtas

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Smt. Renu Kumari(App)

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

5 19-04-2016 Heard learned counsel for the petitioner and the
State.

Petitioner is languishing in custody since
21.07.2015 in a case registered for the offences punishable
under Sections 21, 22 of the Narcotics Drugs and
Psychotropic Substances Act and 147 of the Railway Act.

The prosecution case is that during patrolling
the G.R.P. personnel saw that two persons getting out from
Ajmer Sealdah Express on platform nos. 3, 4 at Sasaram
Railway Station. Though, the persons escaped from the
scene, but they left two boxes. From the box of the
petitioner 15 K.g ganja and from the box of co-accused

Sonu Kumar 20 K.g ganja were recovered.

It is submitted by the learned counsel for the petitioner that even assuming the accusation recovery is not from the possession of the petitioner. The investigation has already concluded. Statement has been made in para-9 of the petition that petitioner is 75 years of age which reads as follows:-

“That from perusal of F.I.R. it is further evident that petitioner is aged about 75 years hence he could not carry the alleged steel box which was measured to be 20 K.g.”

The petitioner is accused in one other case for similar nature in which is he on bail.

Considering the recovery of the alleged contraband between the small and commercial quantity, the advance age of the petitioner and investigation has already concluded, let the above named petitioner, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. Ist-cum- Special Judge (N.D.P.S.Act), Gaya in connection with N.D.P.S. Act No. 18 of 2015, arising out of Sasaram Rail P.S. Case No. 84 of 2015.

The learned court below will be at liberty to cancel the bail bonds of the petitioner, if he substantially gets involved in similar nature of the offence and if he defaults for two consecutive occasions. However, the bail bond of the petitioner

will be accepted by the learned court below on verification of the fact that he is not accused in any other case.



(Dinesh Kumar Singh, J)