

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.11486 of 2017

Arising Out of PS.Case No. -47 Year- 2016 Thana -SAHODARA District-
WESTCHAMPARAN(BETTIAH)

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1. Dilip Sah S/o Shambhu Sah, R/o Village- Sherhwa Dekahwa, P.S.-
Shikarpur, District-West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through Inspector General of Sashastra Sima Bal,
Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Anant Kumar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 13-04-2017 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in jail since 23.01.2017 in a
case registered for offences punishable under Section 414 of the
Indian Penal Code and under Sections 20, 22, 23 and 24 of NDPS
Act.

The prosecution case as lodged by the informant,
A.S.I., S.S.B. is that at the time of patrolling duty, on receiving
confidential information about entrance of smugglers into India
from Nepal with Ganja on two motorcycles and they intercepted
the motorcycles and one of the miscreants was caught, who



disclosed his name as Dina Nath Yadav and on search, 14 Kg. Ganja were recovered from his motorcycle and accordingly prepared a seizure list.

It has been submitted by the learned counsel for the petitioner that he has not been named in the F.I.R. as the co-accused apprehended by the S.S.B., did not disclose the name of the petitioner, which was subsequently disclosed by co-accused Dina Nath Yadav during course of investigation, in a confessional statement before the police which has no evidentiary value in the eye of law. It has further been submitted that nothing has been recovered from the conscious possession of the petitioner and even otherwise the quantity of alleged Ganja was below the commercial quantity and the petitioner has got no criminal history. He submits that charge sheet has already been submitted, hence there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State vehemently opposes the prayer for bail stating therein that the co-accused has disclosed the name of the petitioner.

Considering the facts and circumstance and materials on record, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Sessions Judge,



Bettiah, West Champaran in connection with Trial No. 1 of 2017 (arising out of Sahodara P. S. Case No. 47 of 2016) with a condition that petitioner will appear before the learned Court below on each and every date and failure to appear before the Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bond.

(Nilu Agrawal, J)

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