

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29161 of 2017

Arising Out of PS.Case No. -7 Year- 2017 Thana -BARHARIA District- SIWAN

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1. Ajay Yadav @ Ajay Prasad son of Ram Pravesh Yadav, resident of Village- Bindwal Rasoolpur Tola- Ahirauli, Police Station- Hussainganj, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh

For the Opposite Party/s : Mr. Sri Zainul Abedin

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 04-08-2017 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner is languishing in custody since 10.01.2017 in connection with N.D.P.S. Case No. 90/2017, arising out of Barhariya P.S. Case No. 07/2017 for offences punishable under Sections 20/22 of the N.D.P.S. Act.

The prosecution case, as lodged by the police personnel, is that on secret information that some persons have gathered at the palani of the petitioner and have planned to commit some crime, the police raided and arrested the accused persons including the petitioner. On search 200 gms of charas was recovered from each of the accused.



It has been submitted by the learned counsel for the petitioner that he is innocent, there is only one case in which he has been made accused but of different sections of the IPC and the Arms Act and apart from that he has no criminal antecedent. He submits that he has been falsely implicated by the police and that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence. It is further submitted that another co-accused, on similar allegations, has since been granted privilege of bail by this Court in Cr. Misc. No. 27314 of 2017 on 26.07.2017.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Addl. District and Sessions Judge, Siwan, , in connection with N.D.P.S. Case No. 90/2017, arising out of Barhariya P.S. Case No. 07/2017, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/



court, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds. It is also made clear that if the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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