

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29012 of 2017

Arising Out of PS.Case No. -337 Year- 2016 Thana -MOHANIA District- BHABHUA (KAIMUR)

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1. Tek Narayan Kumar Son of Late Vishwanath Prasad, Resident of Mohania Ward No. 7, P.s.- Mohania, District- Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh

For the Opposite Party/s : Mr. Shailendra Kumar Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 26-07-2017 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner is languishing in custody since 04.07.2016 in connection with Mohania P.S. Case No. 337/16 for offences punishable under Sections 17, 22, 25, 27, 27(A) of the Narcotic Drugs and Psychotropic Substance (N.D.P.S.) Act, 1985.

The prosecution case, as lodged by the police personnel, is that on secret tip off the house of the petitioner was raided and total 65 gms of heroin was recovered together from his possession and from his house.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the



aforesaid case. He submits that there is no compliance of Sections 42 and 50 of the N.D.P.S. Act and no F.S.L. report has been drawn of the seized material. It is submitted that the said seized heroin is less than the commercial quantity and that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence. It is further submitted that the petitioner has been detected HIV AIDS positive and is undergoing treatment at PMCH, Patna. It is also submitted that the petitioner is in judicial custody for more than a year.

However, learned APP for the State opposes the prayer for bail stating therein that the seized heroin is more than the small quantity and the petitioner does not have a clean antecedent as he had been implicated in the year 2011 for similar offence.

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 Sessions Judge-cum-Special Judge, Kaimur at Bhabua, in connection with NDPS Case No. 05/16, Mohania P.S. Case No. 337/16, subject to the condition that one of the bailors would be a close relative of the petitioner, who would have sufficient immovable property within the jurisdiction of the concerned police station, who will file an



affidavit stating his relationship with the petitioner and 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 court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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