

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.28098 of 2017**

Arising Out of PS.Case No. -18 Year- 2017 Thana -BASANTPUR District- SIWAN

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1. Sarma Prasad Son of Raj Banshi Prasad @ Banshi Prasad Resident of  
Village- Magahi, P.S. Basantpur (Lakri Nabiganj), District Siwan.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Arbind Kumar Singh

For the Opposite Party/s : Mr. Sri Satyavarat Verma

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

3      01-08-2017                      Heard learned counsel for the petitioner and learned  
APP for the State.

Petitioner is languishing in custody since 17.01.2017 in  
connection with Basantpur P.S. Case No. 18 of 2017 for offences  
punishable under Sections 8/20(b)(II)(A) of N.D.P.S.Act.

The prosecution case, as lodged by the police personnel  
is that while on night duty they were on a combing operation to  
arrest the petitioner who was wanted in many cases. The  
petitioner was apprehended and from his possession 320 gm.  
Charas was recovered and accordingly, a seizure list was prepared.

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



the police. He submits that there is no independent witness to the seizure list and that the F.S.L. report of the seized contraband item has not yet received. It has further submitted that the charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have clean antecedent and as many as six cases are pending against him for serious offences.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on completion of one year of custody 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, Siwan , in connection with Basantpur P.S. Case No. 18 of 2017, subject to the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, 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 court below for cancellation of his bail bonds.

**(Nilu Agrawal, J)**

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