

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46819 of 2017

Arising Out of PS.Case No. -373 Year- 2017 Thana -BETTIAH CITY District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Laddan Sah @ Laddu Sah @ Laddan Kumar, S/o Ramashish Sah @ Ravan Sah,
2. Mukesh Ram, S/o Bunni Lal Ram, Both are R/o Purvi Kargahia, P.S.- Bettiah (Muffasil), District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Union of India through Zonal Director Narcotic Control Bureau Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Sri Anil Prasad Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 28-11-2017 Heard learned counsel for the petitioners and learned APP for the State.

Petitioners seek bail in connection with Bettiah Town P.S. Case No. 373 of 2017 for offences punishable under Section 401 of the Indian Penal Code and Section 20, 22, 23, 24, 27A, 29 of N.D.P.S. Act.

The prosecution case, as lodged by the police personnel, is that on information that some miscreants are preparing to commit crime, the police raided the place and apprehended the petitioners who named five other accused who



had fled away. On search from the pocket of both the petitioners 200 gram of Charas each was found. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioners that they are innocent, bear no criminal history and have been falsely implicated in the aforesaid case. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner and that they are languishing in judicial custody since 25.05.2017. It is further submitted that the provisions of Section 50 of the N.D.P.S. Act has not been complied with and even the sample has not been sent for forensic examination and considering the small quantity of Charas recovered, a sympathetic consideration be given.

However, learned counsel for the Union of India and learned APP for the State oppose the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Bettiah, West Champaran in connection with Bettiah (Town) P.S. Case No. 373 of 2017, subject to the conditions that:



- (1) One of the bailors would be a close relative of the petitioners having sufficient immovable property, who will file an affidavit stating his relationship with the petitioners.
- (2) Petitioners 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 their bail bonds.
- (3) If the petitioners indulge in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of their bail bonds.

(Nilu Agrawal, J)

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