

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54285 of 2017

Arising Out of PS.Case No. -96 Year- 2017 Thana -GAUNAHA District-
WESTCHAMPARAN(BETTIAH)

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1. Jagjivan Ram, Son of Late Haribansh Ram, resident of Village-
Bhawanipur, P.S. Sahodara, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 01-12-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Gaunaha P.S.
Case No. 96 of 2017 for offences punishable under Sections 20(b),
23, 27(a) of the N.D.P.S. Act.

The prosecution case, as lodged by the police
personnel, is that on patrolling duty they intercepted two
motorcycles and apprehended the petitioner and one Satyadeo
Nath. From the motorcycle of the co-accused Satyadeo Nath 3.900
kgs of ganja was recovered. Petitioner and other co-accused could
not produce any paper regarding ownership of the said
motorcycles. Petitioner is alleged to be a liner of the said



consignment.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and nothing has been recovered from his conscious possession or from his motorcycle but the contraband item was recovered from the motorcycle of other co-accused, as such, provisions of N.D.P.S. Act will not apply against him. He submits that petitioner is in judicial custody since 15.09.2017.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is alleged to be a liner and was associate of the other co-accused.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on completion of six months in custody on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran at Bettiah, in connection with Gaunaha P.S. Case No. 96 of 2017, subject to the following conditions :

- (i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who



will file an affidavit stating his relationship with the petitioner.

- (ii) 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.
- (iii) 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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