

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.4208 of 2017**

Arising Out of PS.Case No. -130 Year- 2016 Thana -ADAPUR (Harpur) District-  
EASTCHAMPARAN (MOTIHARI)

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1. Om Prakash Sah, son of Ram Ekbal Shah, resident of Village - Bairiya,  
P.S. - Kalaiya, District- Bara (Nepal).

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Union of India through Inspector General S.S.B., Frontier Headquarter,  
Patna.

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

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**Appearance :**

For the Petitioner/s : Mr. Umesh Chandra Verma, Adv.  
For the Opposite Party/s : Mr. Manoj Kumar Singh, CGC.

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**CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA**  
**ORAL ORDER**

6      16-05-2017      This case has been listed under the heading “ To Be  
Mentioned.”

Learned counsel for the petitioner has submitted that the  
petitioner has been granted regular bail vide order dated 11.05.2017  
but, inadvertently, in the said order, conditions of anticipatory bail have  
been typed.

In view of the submission, the order dated 11.05.2017 is  
rescinded and following order is being passed;

“Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

Petitioner is in custody since 05.08.2016 in connection  
with N.D.P.S. Case No. 41 of 2016 arising out of Adapur (Harpur) P.S.  
Case No. 130 of 2016 registered under Sections 18, 20 and 22 of the



N.D.P.S. Act.

Learned counsel appearing on behalf of the petitioner submits that the petitioner has falsely been implicated in this present case as the recovery has not been made from his conscious possession. The recovery is of only 7 grms. By order dated 20.03.2017, this Court has directed to file an affidavit with regard to framing of charge, but the same has not yet been framed and the concerned S.H.O. through special P.P. has taken further six months to submit charge sheet in the matter. The petitioner, who is of clean antecedent, is rotting in custody for the last eight months.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand rupees only) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge/ Special Judge, East Champaran, Motihari in connection with N.D.P.S. Case No. 41 of 2016 arising out of Adapur (Harpur) P.S. Case No. 130 of 2016.”

**(Arvind Srivastava, J.)**

Brajesh/-

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