

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24862 of 2017

Arising Out of PS.Case No. -69 Year- 2017 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

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Ratnesh Prasad, son of Jagarnath Rai @ Jagarnath Yadav, Resident of
Village- Agarwa, P.S.- Ghorasahan (Jitna), District- East Champaran.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner : Mr. Anuj Kumar, Advocate

For the State : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 01-07-2017 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 24.02.2017 in
connection with N.D.P.S. Case No. 18 of 2017, arising out of
Ghorasahan P.S. Case No. 69 of 2017 for the alleged offences under
Sections 20, 22, 23 and 24 of the NDPS Act.

3. It is submitted that the petitioner has been falsely
implicated as the recovery has not been made from the conscious
possession of the petitioner rather the substance in question has
been recovered from a 'jhola' lying near the motorcycle and there is
no specific allegation as to who was carrying and holding the said
'jhola'. Even though the officials intercepted the concerned vehicle
at around 6.15 p.m. on 22.02.2017 and seizure list made on the



same evening at about 8.40 p.m. there is considerable delay in institution of the First Information Report, the next day on 23.02.2017 at about 2.15 p.m., which casts serious doubt about the veracity of the allegation. It is also submitted that similarly situated co-accused Vinay Kumar has been granted bail by this Court in Cr. Misc. No. 24806 of 2017.

4. Be that as it may, having regard to the entirety of 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) with two sureties of like amount each to the satisfaction of learned Special Judge, N.D.P.S., East Champaran at Motihari in connection with N.D.P.S. Case No. 18 of 2017, arising out of Ghorasahan P.S. Case No. 69 of 2017 on the following conditions :-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in court on each and every date during trial and in the event of



failure on two consecutive dates without sufficient reason, his bail
bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Chandran/BT

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