

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31409 of 2017

Arising Out of PS.Case No. -15 Year- 2017 Thana -GOVERNMENT OFFICIAL COMP. District-
WESTCHAMPARAN(BETTIAH)

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Shiv Shankar Mahto Son of Late Lakshami Mahto, Resident of Village-
Kotraha Bairiya, P.O.- Shyampur Kotraha, Police Station- Nautan, District-
West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Union of India, through Commissioner Custom Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Adya Singh, Adv.

For the U.O.I. : Mr. Satya Prakash Tripathy, Sr. SC. Customs.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 22-09-2017 Heard learned counsel for the petitioner, learned senior

standing counsel on behalf of the Customs Department and

learned APP for the State.

Petitioner is languishing in judicial custody since
08.02.2017 in connection with Custom Court Case No.
15CUS/SKT/N.D.P.S./16-17for offences punishable under Section
8 of the N.D.P.S., Act.

The prosecution case, as lodged by the Inspector
Customs is that on checking duty they apprehended one person
who was trying to escape, suspected to be the smuggler and from
the bushes 10kg of Ganja was seized in different bags.



Accordingly, Panchanama and seizure list was prepared.

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. He submits that on interrogation by the Custom Officer, he stated that he was the carrier, he was not involved in trading of buying and selling Ganja which was being run by other accused persons. He submits that Ganja seized is the less than of commercial quantity and that charge-sheet already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned senior standing counsel for the Customs and learned APP for the State oppose the prayer for bail stating therein that the 10kg contraband items has been seized and the petitioner has confessed of being a carrier.

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, Bettiah (West Champaran) in connection with Custom Court Case No.



15CUS/SKT/N.D.P.S./16-17, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/ court, 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 learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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