

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32474 of 2017

Arising Out of PS.Case No. -138 Year- 2016 Thana -SALIMPUR District- PATNA

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Bhullu Rai @ Bhullu @ Ganesh Kumar, Son of Kamleshwar Rai, Resident
of Village- Sabnima P.S.- Athmalgola, District- Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 17-08-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
21.10.2016 in connection with Special Case No. 80 of 2016,
arising out of Salimpur P.S. Case No. 138 of 2016 registered for
the offence punishable under Sections 20 and 22 of the N.D.P.S.
Act.

The prosecution case, ad lodged by the police
personnel, is that on a secret tip-off, they reached near Sundarpur
Ghat and found four persons sitting on the boat. Seeing the police
personnel, one person managed to escape, but three persons,
including the petitioner were apprehended on the boat and 32.824
Kilograms of ganja was recovered.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated. He submits that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner. He submits that if the said ganja is distributed amongst the four accused persons, it will be less than the commercial quantity and that he is in custody for more than nine months, hence, a sympathetic consideration be given.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge 3rd, Patna in connection with Special Case No. 80 of 2016, arising out of Salimpur P.S. Case No. 138 of 2016, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable properties within the jurisdiction of the concerned P.S./ Court, who would file an affidavit stating his relationship with the petitioner and that petitioner will appear



before the learned Court below on each and every date and failure to appear before the learned Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

It is further made clear that if, in future, petitioner indulges in similar nature of offence, the prosecution will be at liberty to move before the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J.)

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