

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43994 of 2017

Arising Out of PS.Case No. -129 Year- 2017 Thana -DURGAWATI District- BHABHUA
(KAIMUR)

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1. Manoj Kumar Gupta Son of Late Bindeshwari Prasad resident of Mohalla
- Fazalganj, P.S. - Sasaram, District - Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Kumar Singh

For the Opposite Party/s : Mr. S. Ehteshamuddin

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 17-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
03.07.2017 in connection with N.D.P.S. Case No. 10/17, arising
out of Durgawati P.S. Case No. 129/17 for offences punishable
under Sections 8/20(b)(ii)(c), 25, 27A of the Indian Penal Code.

The prosecution case, as lodged by the police
personnel, is that on secret information the Duster car, in which
the petitioner and two others were boarded, was intercepted and on
search from the dickey of the car 11.5 kgs of ganja was recovered.
Co-accused Mithilesh Kumar Sharma stated that he was the driver
of the vehicle and petitioner stated that he was the owner of the
vehicle. Accordingly, a seizure-list was prepared. Thereafter on



their statement house of one Raj Kumar Gupta was raided and huge quantity of ganja was recovered from the house.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. He submits that nothing has been recovered from his conscious possession and just because the Duster car belonged to him, he has been made accused. He further submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner and that the ganja seized is less than the commercial quantity in which three persons have been named as accused.

However, learned APP for the State opposes the prayer for bail stating therein that the car belonged to the petitioner and 11.5 kgs of ganja was recovered from the car.

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 Sessions Judge cum Special Judge, Kaimur at Bhabhua, in connection with N.D.P.S. Case No. 10/2017, arising out of Durgawati P.S. Case No.



129/2017, subject to the following conditions :

- (i) Both the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their 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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