

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44411 of 2017

Arising Out of PS.Case No. -523 Year- 2016 Thana -GHORASAHAN District- EAST
CHAMPARAN (MOTIHARI)

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Hari Narayan Rai Son of Late Ramjatan Rai, R/o Village- Barwakhurd,
P.S.- Kundwachainpur, District- East Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance:

For the Petitioner/s : Mr. Ajay Kumar Thakur and
Mr. Shashank Shekhar, Advocates.

For the Opposite Party/s : Mr. Mustaque Alam, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-09-2017 Heard learned counsel representing the petitioner as
well as learned A.P.P. for the State.

The petitioner is seeking regular bail in Ghorasahan
P.S. Case No. 523 of 2016 registered under Sections 20, 22, 23 &
24 of the N.D.P.S. Act.

Learned counsel for the petitioner submits that the
allegation against the petitioner is that he was in possession of
Methaqualone 100 gm which is not a commercial quantity. The
main emphasis of the argument of the learned counsel is that the
petitioner has been falsely implicated in the present case with the
help of his sworn enemies, who are the seizure list witnesses in the
present case. Attention of this Court has been drawn towards
Annexure-2, which is a copy of the order sheet of the court of Sub



Divisional Magistrate, Sikarhana, Dhaka to show that earlier because of land dispute a proceeding under Section 144 Cr.P.C. was initiated at the instance of Arbind Kumar Yadav being the first party, who happens to be the son of Sukhram Rai, a seizure list witness in the present case. Further attention has been drawn towards Annexure-3, which is a copy of the Fardbeyan submitted by Sukhram Rai in which the present petitioner, his wife and others have been made accused on the allegation of causing assault giving rise to Kundwachainpur P.S. Case No. 46/2012. Further learned counsel refers to Annexure-4, which is a copy of the First Information Report giving rise to Kundwachainpur P.S. Case No. 19/2013 lodged by one Bajrangi Rai but the said F.I.R. has been written by the present petitioner which is apparent from the endorsement made in the left margin portion of the Fardbeyan. Annexure-4 also contains a copy of the First Information Report being Kundwachainpur P.S. Case No. 19/2013 registered under Sections 302 / 34 of the Indian Penal Code, in which the present petitioner is the scribe and the witness both. The case under Section 302 IPC is against the seizure list witness Sukhram Rai and his son Arbind Kumar Yadav. Learned counsel for the petitioner submits that this petitioner has no criminal antecedent save and except that one case has been lodged against him by the



present seizure list witness Sukhram Rai.

On the strength of the various documents enclosed with the petitioner, learned counsel submits that the seizure list itself shows suspicion on the manner in which the petitioner has been implicated in the present case. According to the learned counsel, it is difficult to understand as to why the person, who is on such an inimical term with the petitioner, shall be made a seizure list witness, other seizure list witness in the present case is working under said Sukhram Rai.

Learned A.P.P. representing the State submits that in the present case charge has already been framed and the case is fixed for evidence.

In the facts and circumstances stated here-in-above, this Court is inclined to grant regular bail to the petitioner because of the several documents enclosed with the petition apparently showing that the seizure list witness is on inimical term and the petitioner has no criminal history save and except the one case which was by none else but the said seizure list witness Sukhram Rai and is in custody since 30.12.2016.

In the circumstances, let the petitioner, namely, Hari Narayan Rai, be released on bail on his furnishing bail bonds of Rs. 50,000/- (Fifty thousand) with two sureties of the like amount each to the satisfaction of the learned 7th Additional Sessions



Judge cum Special Judge cum NDPS Act, Motihari in connection with NDPS Case No. 84/2016, arising out of Ghorasahan P.S. Case No. 523/16, subject to the conditions as laid down under Section 437(3) Cr.P.C. and that the petitioner shall co-operate in course of trial by putting his appearance regularly in the trial court, one of the bailors shall be a family member of the petitioner having no criminal antecedent and in case of failure of the petitioner to appear in the trial court on the date fixed for evidence, his bail bonds shall be cancelled by the learned trial court.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

Dilip, AR

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