

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50954 of 2017

Arising Out of PS.Case No. -209 Year- 2017 Thana -AADAPUR District-
EASTCHAMPARAN(MOTIHARI)

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Bidur Rai son of Ram Bilash Rai resident of village - Rajpur Pokhara, P.S. -
Sangrampur, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Union of India through Inspector General, S.S.B. Frontier Head Quarter,
Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Adv.
For the Opposite Party/s : Mr. Anish Chandra, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 14-11-2017 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
25.07.2017 in connection with N.D.P.S. Case No. 65/2017 arising
out of Adapur P.S. Case No. 209/2017, G.R. No. 959/2017 for
offences alleged under Sections 20, 22, 23, 24 and 25 of the
Narcotic Drugs and Psychotropic Substances Act.

The prosecution case as lodged by the informant S.S.B.
personnel is that on secret information that some Narcotic
substances are being transported through Indo Nepal Boarder; the
S.S.B. personnel started combing operation. In that combing
operation, some of the accused managed to flee away, three



persons including the petitioner were apprehended. Five bundles were found thrown nearby and from the possession of petitioner and other accused persons total 86 k.g. of Ganja was recovered whereas, from the possession of the petitioner 13 k.g. of Ganja was recovered. Accordingly a seizure memo was prepared.

It has been submitted by the learned counsel for petitioner that he is innocent, does not bear any criminal antecedent and has been falsely implicated due to high handedness of the S.S.B. officials. He submits that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses.

However, learned A.P.P. as well as Counsel for the Union of India vehemently opposes the prayer for bail stating therein that petitioner is member of the gang who were transporting Narcotic substances and that 13 k.g. of Ganja has been recovered from the possession of the petitioner.

Considering the facts and circumstances of the case and material on record, let the petitioner named above, be enlarged on bail on completion of nine 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 the learned Sessions Judge/ Special Judge, Motihari, East Champaran, in connection with N.D.



P.S. Case No. 65/2017 arising out of Adapur P.S. Case No. 209/2017, G.R. No. 959/2017, 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 the petitioner will appear before the police/court as and when required and failure to appear on two consecutive dates without assigning any reason will entail the cancellation of his bail bonds.

It is further made clear that if the petitioner is found to have indulged in similar offence 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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