

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14920 of 2017

Arising Out of PS.Case No. -305 Year- 2016 Thana -RAMNAGAR District-
WESTCHAMPARAN(BETTIAH)

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1. Ramesh Choudhary, Son of Fulena Chaudhary, resident of village - Sigri Thuthi Tola, Police Station Ramnagar, District - West Champaran at Bettiah

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh

For the Opposite Party/s : Mr. Sri Binod Kumar 3

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 20-06-2017 Heard both sides.

The petitioner seeks bail in Ramnagar P.S. case No. 305 of 2016 under Section 8/20 (B) (ii) (B) of the N.D.P.S. Act and under Section 25(1-B) a/ 26 of the Arms Act.

The S.I. of S.S.B. lodged the case against unknown for recovery of a bag containing Ganja and Charas weighing one kg.

The learned counsel for the petitioner submits that for the first time the name of petitioner figured in the case in the statement of Bhikhu Mukhiya, who is on inimical term with the petitioner. The father of petitioner filed a case against Bhikhu Mukhiya and others in the year 2013 vide Complaint case No.



C 951 of 2013. After statement of Bhikhu Mukhiya one Kaushalya Devi also reiterated the same facts in paragraph 11 of the case diary. It is further submitted that thereafter the police took the statement of Ashok Prasad and Munna Pal but had they seen the occurrence they would have disclosed the facts at the time of recovery of bag and on account of enmity the petitioner has falsely been implicated in the case.

The learned Additional Public Prosecutor, however, opposed the prayer for bail and submitted that independent witnesses in paragraphs 12 and 13 of the case diary disclosed the name of the petitioner and stated that petitioner fled away after throwing the bag. The petitioner is also accused in a case of similar nature.

It appears that for the first time the name of petitioner figured in the case in the disclosure made by the Bhikhu Mukhiya and his wife. Thereafter, two other persons also disclosed the same facts but the petitioner was neither apprehended on the spot nor the name of petitioner was disclosed immediately after the recovery of bag.

Considering the facts aforesaid and the nature of allegation made against the petitioner, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs.



10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned I/C Sessions Judge, West Champaran at Bettiah in Ramnagar P.S. Case No. 305 of 2016.

(Prabhat Kumar Jha, J)

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