

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28513 of 2017

Arising Out of PS.Case No. -164 Year- 2016 Thana -MUFFASIL District- AURANGABAD

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1. Upendra Giri S/o Late Ramasish Giri, Resident of Village- Devi Bigha,
P.S. Daudnagar, District Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

For the Opposite Party/s : Mr. Sri Tarkeshwar Nath Thakur

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 18-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
03.10.2016 in connection with Aurangabad (Muffasil) P.S. Case
No. 164 of 2016 for offences punishable under Sections 8/20
(b)(ii)(c) of the NDPS Act.

The prosecution case, as lodged by the police personnel
is that on confidential information that huge quantity of Ganja is
being carried in a pick-up van, the vehicle was intercepted by the
police and the petitioner along with three others were apprehended
and from the possession of the petitioner Rs. 50,000/- and a
mobile was recovered and from the possession of other accused
also huge amount of money was recovered and on search in the



pick-up van about 750 kg. Ganja was recovered.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and he is the driver of the said pick-up van and it is a commercial vehicle used to run on contract basis and he was not in the knowledge of the huge quantity of Ganja being carried by the passengers. He submits that charge-sheet has already been submitted and the matter is pending at the stage of trial.

However, learned APP for the State opposes the prayer for bail stating therein that huge quantity of Ganja was recovered from the pick-up van.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail **after completion of six months custody from today** on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1 cum-Special Judge, Aurangabad in connection with Aurangabad Muffasil P.S. Case No. 164 of 2016 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, who will file an affidavit stating his relationship with the petitioner and that



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

(Nilu Agrawal, J)

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