

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34778 of 2017

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Rajesh Kumar Singh Son of Kailash Singh Resident of Village-Baliyar, P.S.
Simri, District Buxar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed Mojibur Rahman

For the Opposite Party/s : Mr. Sri Kalyan Shankar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

6 27-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
24.09.2016 in connection with G.R. Case No. 11 of 2016 for
offences punishable under Section 20(b) of the N.D.P.S. Act along
with Section 47 (a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the informant excise
official, is that during course of vehicle checking, they intercepted
a Indigo car in which three persons were sitting including the
petitioner and from the dickey 63 Kg. of Ganja was recovered.
Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the
petitioner he is neither the driver nor owner of the vehicle and that
he is just a passenger who had taken lift and has no concern with



the said contraband items. It is further submitted that he has no criminal history, is a farmer by profession, has been falsely implicated and languishing in judicial custody since more than one year.

However, learned APP for the State opposes the prayer for bail stating therein that the contraband items were recovered from the car in which the petitioner was traveling. In this regard, a report was called for regarding the stage of trial in which it has been stated that charges have been framed on 08.09.2017 but till now none of the witnesses have been examined.

Considering the facts and circumstances and the materials on record, let petitioner, above named, 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 learned Additional Sessions Judge, Aurangabad in connection with G.R. Case No. 11 of 2016, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (2) 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.

(3) 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 learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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