

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47484 of 2017

Arising Out of PS.Case No. -29 Year- 2017 Thana -BYPASS District- PATNA

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1. Baleshwar Paswan Son of Late Lal Das Paswan, resident of Mohalla-
Mallikpur, P.S.- Raghobpur, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Mouar

For the Opposite Party/s : Mr. Sri Nand Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 30-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Special Case
No 26 of 2017 arising out of Bye-Pass P.S. Case No. 29 of 2017
for offences punishable under Sections 20, 22 of the N.D.P.S.

The prosecution case, as lodged by the police personnel
is that while they were on duty, they intercepted a tempo in which
two persons were sitting, after seeing the police personnel, one
boy fled away and an old person was found in possession of 6 kg.
of Ganja inside a bag, and, accordingly, a seizure list was
prepared.

It has been submitted by the learned counsel for the



petitioner that he is innocent, bears no criminal antecedent and has no concern with the seized *Ganja* as he is an old person and that the boy, who has fled away, was named by the petitioner to be Mahadev Das, with whom he has to supply Ganja to one Jairam Singh. He submits that the confessional statement before the police, by the petitioner, has no evidentiary value in the eye of law and that nothing has been recovered from his conscious possession. Charge-sheet has been submitted and the petitioner is languishing in judicial custody since 14.2.2017.

However, learned APP for the State opposes the prayer for bail stating therein that contraband items were found in the tempo in which the petitioner was sitting.

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 Special Judge N.D.P.S.-cum-Additional Sessions Judge-III, Patna in connection with Special Case No. 26 of 2017, arising out of Bye-pass P.S. Case No. 29 of 2017, subject to the conditions that :

- (i) Both the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an



affidavit stating their relationship with the petitioner.

- (ii) 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.
- (iii) 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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