

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4183 of 2018

Arising Out of PS. Case No.-172 Year-2017 Thana- KATIHAR District- Katihar

Ashok Ravidas @ Chhatri @ Ashok Kumar Ram, son of Late Sharwan Ravidas, Resident of Mohalla – Bheria, Rahika, Ward No. 03, P.S. Katihar (S) District Katihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Advocate
For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 20-02-2018 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since 20.03.2017 in connection with Katihar Town P.S. Case No. 172 of 2017 registered for the offence punishable under Sections 8, 20(b), (11) (b) of the NDPS Act and Sections 25(1-B)A, 26 and 35 of the Arms Act.

The prosecution case, as lodged by the informant-police personnel, is that on secret information, Anganwari centre was raided and two persons were found sleeping in one room and the petitioner was found sleeping in another room and on search from the



possession of the other two accused, country made pistol, live cartridge, 10 Kgs. Of ganja and some ornaments were recovered and from the possession of the petitioner two gold tops were recovered, which he confessed that it was stolen one.

It has been submitted by the learned counsel for the petitioner that he is innocent and no incriminating or contraband item has been recovered from his possession, as such, no case under the NDPS or Arms Act is made out against him. He submits that charge-sheet has already been submitted and the petitioner is languishing in judicial custody for 11 months.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and as many as four cases are pending against him.

Considering the facts and circumstances and the materials on record, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Special Judge-cum- Sessions Judge, Katihar in connection with



Katihar Town P.S. Case No. 172 of 2017, subject to the conditions that:

(1) Both the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating their relationship with the petitioner.

(2) The petitioner will appear before the learned Court below on each and every date 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, in future, petitioner indulges in an offence of similar nature, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(4) The petitioner will appear before the concerned police station in the first week of every month and failure



to appear will entail cancellation of his bail bonds. The petitioner will be exempted from appearing on certificate of good conduct is granted by the officer-in-charge of the concerned police station.

(Nilu Agrawal, J.)

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