

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10374 of 2018

Arising Out of PS.Case No. -4 Year- 2016 Thana -GOVERNMENT OFFICIAL COMP. District-
NAWADA

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Rajeev Kumar S/o Ramnandan Paswan @ Ramanandan Paswan, R/o
Village- Jethuli, P.S.- Fatuha, District- Patna.

.... Petitioner/s

Versus

1. The Union of India, Narcotic & Anr.
2. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Paras Nath, Adv.
For the Union of India : Mr. Rakesh Kumar Sinha, Adv.
For the State : Mr. Sri Jitendra Kumar Singh, APP.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 28-03-2018 Heard learned counsel for the petitioner, learned
counsel for the Union of India and learned APP for the State.

This is the second round of litigation. Earlier the prayer
for bail was rejected by this Court in Cr. Misc. No. 21164 of 2017
vide order dated 14.07.2017.

Petitioner is languishing in judicial custody since
29.10.2016 in connection with Nawada Special (NDPS) Case No.
04 of 2016 for offences punishable under Sections 20(b)/22 of the
N.D.P.S. Act.

The prosecution case, as lodged by the excise officials,
is that on search of a Ambassador Car, the petitioner who was on



the driving seat and two other co-accused Munna Ram and Lalita Devi were sitting, 92 Kg of Ganja was recovered under the seat of driver and back seat in a box. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, he was just a professional driver and had no knowledge about contents kept in the box. He submits that neither he was owner of the car nor the alleged Ganja belonged to him. He further submits that he has got no criminal antecedent and is languishing in judicial custody since nearly one and half years.

However, learned counsel for the Union of India as well as learned APP for the State vehemently oppose the prayer for bail stating therein that the alleged contraband items was recovered under the car seat in which the petitioner was driving and two other co-accused were sitting.

A report was called for regarding the stage of the said case from the court of the learned Additional District & Sessions Judge-1st-cum-Special Judge, Nawada who has submitted a report stating therein that uptil now none of the witnesses have been produced although summons and bailable warrant of arrest have been issued.



Considering the facts and circumstances, materials on record and the period of custody, 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-1st-cum-Special Judge NDPS, Nawada in connection with Nawada Special (NDPS) Case No. 04 of 2016, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/ court, 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) Petitioner will co-operate in the investigation, trial and provide all



papers necessary during investigation and will not tamper with the evidence.

(4) 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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