

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19648 of 2018

Arising Out of PS. Case No.-299 Year-2017 Thana- ARA NAGAR District- Bhojpur

Amit Kumar Singh @ Amit Kumar Son of Brameshwar Singh Resident of
Village - Masarho, P.S. Udwant Nagar, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate

For the Opposite Party/s : Mrs. Asha Devi, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 18-04-2018 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner had earlier moved for bail before this Court in Cr. Misc. No. 34399 of 2017, which was rejected vide order dated 13.09.2017. Petitioner is languishing in judicial custody since 02.06.2017 in connection with N.D.P.S. Case No. 19 of 2017 arising out of Ara Town P.S. Case No. 299 of 2017 registered for the offence punishable under Section 20(b)II(a) of the N.D.P.S. Act.

The prosecution case, as lodged by the police personnel, is that on a secret tip-off, they arrested one Bablu Keshari and he affirmed selling ganja in his betel shop and police recovered 2 kilograms of ganja in his shop. He disclosed the name of petitioner and co-accused Shivam Kumar Singh,



who were also apprehended and from their possession 5 kilograms of ganja was recovered. Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and even the provisions contained in Section 100 of the Cr.P.C. have not been followed. He submits that he is not a member of any gang and has been falsely implicated and is in custody for more than nine months, hence, a sympathetic consideration be given.

However, learned A.P.P. for the State opposes the prayer for bail.

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 2nd Additional District and Sessions Judge, Bhojpur at Ara in connection with N.D.P.S. Case No. 19 of 2017 arising out of Ara Town P.S. Case No. 299 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.

(Nilu Agrawal, J.)

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