

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29479 of 2018

Arising Out of PS.Case No. -19 Year- 2017 Thana -BALIA District- BEGUSARAI

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Fultush Kumar, Son of Pankaj Singh, Resident of Village- Bariarpur, Police
Station- Ballia, District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Sri Rajeev Nayan

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 16-05-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner had earlier approached this Court for bail
which was rejected vide order dated 21.11.2017 passed in Cr.
Misc. No. 36853 of 2017.

Petitioner is languishing in judicial custody since
21.01.2017 in connection with N.D.P.S. Case No. 01 of 2017
arising out of Ballia P.S. Case No. 19 of 2017 for offences
punishable under Sections 8/20(B) (II) (C) 25/29 of the N.D.P.S.
Act.

The prosecution case, as lodged by the police
personnel, is that on a secret tip off that some persons are carrying
Ganja from Orissa, a team was constituted and on the National



Highway a motorcycle and Marshal car was found. While motorcyclists managed to flee away, but marshal vehicle was intercepted and the petitioner along with two others were apprehended. From the vehicle 110kg. 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, was not a member of the gang carrying contraband items and is a student of Compute Application in Maulana Mazharul Haque Arabic & Persian University, Patna. It is submitted that nothing has been recovered from his conscious possession, he was arrested from his house due to highhandedness of the police, his signature was taken on blank paper and his bright career will be jeopardized. It is submitted that charges have been framed and the petitioner undertakes to cooperate in the trial and appear before the trial court as and when required.

However, learned APP for the State opposes the prayer for bail.

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-1st-cum-Special Judge, N.D.P.S. Act, Begusarai in connection with N.D.P.S. Case No. 01 of 2017 arising out of Ballia P.S. Case No. 19 of 2017, 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) 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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