

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36075 of 2018

Arising Out of PS. Case No.-11 Year-2017 Thana- SIKTA District- West Champaran

CHHABILAL YADAV S/o Managar Yadav R/o Vill Satgarhi, P.S. Gopalpur,
Distt. West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2, Adv.

For the Opposite Party/s : Mr. Sri Ahtash Ali Khan, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 18-07-2018 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner had earlier moved for bail which was rejected vide order dated 29.08.2017 passed in Cr. Misc. No. 32005 of 2017. Petitioner is languishing in judicial custody since 26.01.2017 in connection with Trial No. 20 of 2017, arising out of Sikta P.S. Case No.11 of 2017 registered for the offence punishable under Sections 8, 20(b)(ii) (C) of the N.D.P.S. Act.

The prosecution case, as lodged by the police personnel, is that on a raid conducted, the petitioner was found in possession of 36 kgs. of ganja in plastic bags.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has



been falsely implicated as the seizure was made, as per the seizure list, in the field and not from his conscious possession. It has been further submitted that the petitioner is languishing in judicial custody for nearly one and half years and only one witness out of six witnesses has been examined and the trial is proceeding at a very slow pace. The petitioner undertakes to co-operate in the trial on day-to-day basis.

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

Considering the facts and circumstances, materials on record as well as the period of custody, 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 5th Addl. Sessions Judge, Bettiah, West Champaran in connection with Trial No. 20 of 2017, arising out of Sikta P.S. Case No. 11 of 2017, subject to the conditions that:

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



(2) The petitioner will co-operate in the trial and 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) 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.

(Nilu Agrawal, J)

Arjun/Pragya

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