

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40868 of 2018

Arising Out of PS. Case No.-1 Year-2018 Thana- BARGANIA District- Sitamarhi

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YOGINDRA RAM@YUGENDRA RAM@JOGINDRA RAM son of Late
Mahendra Ram resident of village - Jafarpur, P.O. - Khairma, P.S. & District
Sheohar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashish Giri, Advocate

For the Opposite Party/s : Mr. Smt. Nirmala Kumari, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-07-2018 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
07.01.2018 in connection with Bairagniya P.S. Case No. 01 of
2018 registered for the offence punishable under Sections 8,
20(B)II/B of the N.D.P.S. Act.

The prosecution case, as lodged by the police
personnel is that on secret information that ganja is being
smuggled by three persons from Nepal to India, they conducted
a raid and apprehended three persons including the petitioner.
The petitioner was found in possession of 1.600 kgms of ganja.
Accordingly, a seizure was prepared.

It has been submitted by the learned counsel for the



petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. He further submits that the mandatory provision of the N.D.P.S. Act has not been complied with, the seized ganja is very less than the commercial quantity and one of the co-accused on similar allegation has been granted the privilege of bail by a co-ordinate Bench of this Court in Cr. Misc. No. 36987 of 2018 vide order dated 28.06.2018. He further submits that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner.

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 Special Judge, N.D.P.S. Act, Sitamarhi in connection with Bairagniya P.S. Case No. 01 of 2018, 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 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.

(Nilu Agrawal, J.)

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