

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38323 of 2018

Arising Out of PS.Case No. -73 Year- 2018 Thana -KATIHAR District- KATIHAR

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Lalan Rai, Son of Late Suresh Rai, Resident of Village- Bahrapur, Police
Station- Raghapur, District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Surendra Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 25-07-2018 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

The petitioner is in custody since 01.02.2018 in
connection with Special N.D.P.S. Case No.03 of 2018 arising
out of Katihar Sahayak P.S. Case No.73 of 2018 registered for
the offence under Sections 8/20(b) (ii) (c)/25/29 of the Narcotic
Drugs and Psychotropic Substance Act.

Learned counsel for the petitioner submits that
admittedly, recovery of *Ganja* was from the truck, which was
coming from Tripura whereas the petitioner was travelling in
the Bolero vehicle, which was said to be following the said
truck. It is, however, submitted that the entire case diary does
not reveal that there is any nexus between the truck and the



Bolero vehicle and, therefore, the petitioner may be extended the privilege of bail. It is further submitted that similarly situated co-accused Arun Kumar @ Doctor, who was also in the Bolero vehicle, has already been extended the privilege of bail in Cr.Misc. No.28848 of 2018, vide order dated 20.07.2018.

Having taken into consideration all facts and circumstances of the case, let the petitioner, above named, be released on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Katihar, in connection with Special N.D.P.S. Case No.03 of 2018 arising out of Katihar Sahayak P.S. Case No.73 of 2018, subject to the following conditions:

(1) One of the bailors will be his own blood relative, preferably, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court



concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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