

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46005 of 2017

Arising Out of PS.Case No. -26 Year- 2017 Thana -INARWA District-
WESTCHAMPARAN(BETTIAH)

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1. Gudar Mahto @ Brij Kishore Kushwaha, son of Ramashish Mahto
2. Anil Kushwaha son of Gudar Mahto Both residents of village -
Khamhiya, P.S. - Inarwa, District - West Champaran.

.... Petitioner/s

Versus

1. The SSB through its Commandant, Company No.-44, Area office,
Narkatiyaganj, Bettiah, West Champaran.
2. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Adv.
Mr. Vijay Anand
For the SSB : Mr. S.D. Sanjay, Sr. Adv.
For the UOI : Mr. Ravinder Kumar Sharma, Adv.
For the State : Mr. Md. Aslam Ansari.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 04-01-2018 Heard the counsels for the petitioners, opposite party
no. 2 and the State.

Learned counsel for the petitioners seek permission to
add the State of Bihar as a party. A copy of the bail petition has
been handed over to Mr. Aslam, learned Additional P.P., who is
sitting in the Court.

The petitioners seek bail in connection with Inarwa P.S.
Case No. 26/2017 dated 21.03.2017 instituted for the offences
under Section 414 of the Indian Penal Code and Sections 20, 22,
23, 24, 27(A) and 29 of the N.D.P.S. Act.

A vehicle was intercepted on secret information and one



of the occupants of the vehicle, viz. Sunil Kumar, was arrested with 690 gms of Charas like substance. Aforesaid Sunil Kumar is said to have disclosed that the petitioners, who are his father and brother, are also involved in the trade of narcotics. It was further disclosed by aforesaid Sunil Kumar that in the ensuing night, there would be delivery of a big consignment of *Ganja*. On such information provided by aforesaid Sunil Kumar, a trap was laid and one of the carriers by the name of Madan Prasad was arrested. The narcotics were thrown by other carriers on the road and about 100kg of *Ganja* thereafter was recovered by the SSB team.

Hence, the present F.I.R.

On the confession of aforesaid Sunil Kumar, the petitioners were arrested.

Mr. Rama Kant Sharma, learned senior Advocate appearing for the petitioners, has submitted that the petitioner no. 1, who is the father of aforesaid Sunil Kumar, was arrested in connection with Sidhwalia P.S. Case No. 62/2017 on 02.06.2017 under the provision of Section 30(a) of the Bihar Prohibition and Excise Act, 2016 and was remanded in the present case on 28.06.2017. He has further submitted that the petitioner no. 2, who is the brother of aforesaid Sunil Kumar, has also not been arrested from the spot and has been arrested later on 17.07.2017. Thus, it



has been submitted that from the possession of the petitioners, nothing has been recovered and for all practical purposes, their names have been taken by a person, who is, no doubt, son and brother of the petitioners respectively, but who is under police custody. The petitioners had earlier been made accused in several cases, but in only one of such cases, allegation under the N.D.P.S. Act has been levelled against them.

Regard being had to the aforesaid facts as well as the period of custody of the petitioners, which is from 28.06.2017 and 17.07.2017 respectively, the petitioners above named are directed to be released on bail on their furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned ADJ III, Bettiah, West Champaran in connection with Inarwa P.S. Case No. 26/2017.

(Ashutosh Kumar, J.)

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