

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23390 of 2018

Arising Out of PS. Case No.-334 Year-2017 Thana- CHAKIA District- East Champaran

Jitendra Yadav, S/o Kamal Yadav, R/o Village- Padri Piparpati, P.S.-Jataha
Bazar, District-Kushinagar (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

Criminal Miscellaneous No. 24271 of 2018

Arising Out of PS. Case No.-334 Year-2017 Thana- CHAKIA District- East Champaran

Santosh Yadav, S/o Late Madan Yadav, R/o Village- Kairatwa, P.S.- Bagaha,
District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

(In Criminal Miscellaneous No. 23390 of 2018)

For the Petitioner/s : Mr. Bishwajeet Singh

For the Opposite Party/s : Mr. Madhuranand Jha

(In Criminal Miscellaneous No. 24271 of 2018)

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Ram Bachan Singh

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 20-06-2018 Heard learned counsel for the petitioners and
learned APP for the State.

The petitioners seek bail in connection with
Chakiya P.S. Case No. 334 of 2017 registered under Sections
30(a) of the Bihar Excise Prohibition Act, 2016 and Sections 20,
22 and 24 of N.D.P.S. Act.



42.48 lts. of foreign liquor and 500 gm. *charas* are said to have been recovered from Scorpio vehicle and five persons including the petitioners sitting in the said car were apprehended.

It is submitted by learned counsel for the petitioners that no incriminating article has been recovered from conscious physical possession of the petitioners. They have no concern either with the seized article or with the vehicle in question. They happen to be simple commuter of the said car and were travelling from Kushinagar to East Champaran by taking lift in the said car without any knowledge of keeping of the aforesaid article in the said car. Their signature were obtained by the police forcibly on some blank papers. The alleged recovery of *charas* is below the commercial quantity. There is no compliance of Section 100 Cr.P.C. and Section 42 of the N.D.P.S. Act. The petitioners have no criminal antecedent. They have been languishing in custody since 15.12.2017. Charge-sheet in the case has already been submitted. Similarly situated co-accused, namely, Upendra Kumar has been enlarged on bail by a co-ordinate Bench of this Court vide order dated 04.05.2018 passed in Cr. Misc. no. 27645 of 2018.

In the facts and circumstances of the case, the



above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge, East Champaran at Motihari in connection with Chakiya P.S. Case No. 334 of 2017.

(Prakash Chandra Jaiswal, J)

rohit/-

U		T	
---	--	---	--

