

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26930 of 2018

Arising Out of PS.Case No. -52 Year- 2016 Thana -JIRADEI District- SIWAN

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Vijay Kumar Tiwari @ Bijay Tiwari, Son of Late Baliram Tiwari,
Resident of Mohalla- Daxin Tola, P.S.- Siwan Town, District- Siwan.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh

For the Opposite Party/s : Mr. Sri Bhanu Pratap Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

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

Petitioner had earlier moved for bail which was rejected
vide order dated 12.10.2017 passed in Cr. Misc. No. 23309 of 2017.

Petitioner is languishing in judicial custody since
10.11.2016 in connection with NDPS Trial No. 86 of 2018 arising
out of Jiradei P.S. Case No. 52 of 2016 for offences punishable under
Sections 20/22 of the NDPS, Act.

The prosecution case, as lodged by the informant police
personnel, is that on information that some criminals are planning to
commit offence, the police apprehended three persons including the
petitioner and two persons managed to flee away. From the place of
occurrence 220 gms of Charas was recovered of which 25 gms was
sent for forensic examination. Accordingly, a seizure list was



prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent although on the same day one other case under the Arms Act has been filed in which he has already been granted bail and nothing has been recovered from his conscious possession. He submits that out of five persons two managed to flee away and the petitioner is first offender and recovery is less than commercial quality.

However, learned APP for the State opposes the prayer for bail stating therein that the forensic report has come and the result of the examination shows that it was Charas.

In this regard a report was called for from the learned Additional District and Sessions Judge 1st-cum-Special Judge, Siwan regarding stage of trial who vide letter dated 26.05.2018 has stated that though trial has begun and all witnesses are officials but they have not yet been examined.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Siwan in connection with NDPS Trial No. 86 of 2018 arising out of Jiradei P.S. Case No. 52 of 2016, subject to the condition that:



- (1)

One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (2)

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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