

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39573 of 2018

Arising Out of PS.Case No. -511 Year- 2017 Thana -BETTIAH CITY District-
WESTCHAMPARAN(BETTIAH)

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Ashraf Sai @ Ambuz @ Ashraf Sain son of Mahmood Sai resident of
Village - Vishambharpur, P.S. Majhulia, District - West Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 07-09-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
17.01.2018 in connection with Bettiah Town P.S. Case No. 511 of
2017 for offences punishable under Sections 20/22/23/24/25/29 of
the Narcotic Drugs and Psychotropic Substances Act (N.D.P.S.
Act).

The prosecution case, as lodged by the police
personnel, is that on information that co-accused Gyan Kumar @
Gyan Sah has concealed drugs in his house, he was produced
before the Patiyala Court in Delhi and he confessed of having
drugs in pursuance to which his house was searched and from the



house 1kg of illegal charas was recovered. On his confessional statement, the name of the petitioner and four others came to surface who were involved in dealing with the said seized charas.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case only on the basis of confessional statement of co-accused. He submits that no contraband item has been found from the possession of the petitioner and the petitioner was not even arrested from the spot. He further submits that two of the persons named by the co-accused Gyan Kumar @ Gyan Sah has been granted the privilege of bail by co-ordinate Benches of this Court in Cr. Misc. No. 19227 of 2018 dated 26.06.2018 and Cr. Misc. No. 23286 of 2018 dated 02.07.2018. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not bear clean antecedent.

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, West Champaran, Bettiah, in connection with Bettiah Town P.S. Case No. 511 of 2017.

(Nilu Agrawal, J)

Devendra/Priyanka

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