

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6164 of 2018

Arising Out of PS.Case No. -110 Year- 2014 Thana -MEERGANJ District- PURNIA

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Kamlesh Kumar @ Kamleshwar Kumar, S/o Sri Bhupendra Prasad Sah @
Bhupendra Sah, R/o village+ P.O.- Mohaniya Chakala, P.S. Banmankhi,
District- Purnea. Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate, Mr. Vijay
Anand, Advocate

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 31-01-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner had earlier moved this court for bail which
was rejected vide order dated 18.10.2017 passed in Cr. Misc. No.
43015 of 2017.

Petitioner is languishing in judicial custody since
21.06.2017 in connection with Supplementary Special Case No.
19 of 2014 arising out of Mirganj P.S. Case No. 110 of 2014 for
offences punishable under Sections 420,120B of the Indian Penal
Code and 20,20(B) IIC, 22,23,29 of the NDPS Act.

The prosecution case as lodged by the STF personnel is
that on a tip of the police personnel apprehended one Pradeep
Kumar Sah while unloading ganja from a truck in a Bolero car
along with two other persons while some accused persons
managed to escape. From the Bolero vehicle 45 kg ganja was



found, whereas, in the truck 900 kg ganja was recovered. Accordingly, seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent and the co-accused Pradeep Kumar Sah happens to be his brother-in-law who had taken the Bolero car belonging to the petitioner for his use and engaged in smuggling of ganja and that the petitioner has been made accused for no fault of his. He submits that he was not present on the spot, he bears no criminal antecedent and his name revealed in the confessional statement of co-accused Pradeep Kumar Sah before the police which has no evidentiary value in the eye of law. It is further submitted that charges have been framed and petitioner is ready to cooperate in trial on day-to-day basis.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and undertaking of the petitioner, 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-cum-Special Judge, Purnea in connection with Supplementary Special Case No. 19 of 2014 arising out of Mirganj P.S. Case No. 110 of 2014 subject to the condition that one of the bailors would be a close relative of the



petitioner having sufficient immovable property within the jurisdiction of the concerned court, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court below during trial on each and every date 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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