

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61019 of 2018

Arising Out of PS. Case No.-27 Year-2012 Thana- SRINAGAR District- West Champaran

Bhukhal Ram, Son of Dhanpat Ram, Resident of Village Nagina Yadav Ke
Tola Sri Nagar, Police Station Sri Nagar, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7

For the Opposite Party/s : Mr. Sri Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

6 22-11-2018 Heard learned counsel for the petitioner as well as
learned A.P.P. for the State.

A report was called for from the trial court regarding stage of trial and time likely to be consumed in concluding the trial. It has been reported that the trial is at the evidence stage and four prosecution witnesses have been examined.

The petitioner seeks regular bail in connection with Trial No. 41 of 2013 arising out of Sri Nagar Pujaha P.S.Case No. 27 of 2012, registered under Sections 20,22,23, 24 and 27 (A) of the N.D.P.S. Act.

Informant is the Sub Inspector of Police has stated in his written report that while he was on patrolling duty to arrest some criminals who were involved in organized crime, he received secret information that in the house of petitioner



Bhukal Ram, smuggled Ganza has been brought from Nepal and on receiving such information he went to the house of petitioner and found that after seeing the police party one person was fleeing from the house and Chowkidar told that the person fleeing is Bhukal Ram and thereafter on search of his house 34 Kg of Ganza was seized in presence of two independent witnesses.

It has been submitted on behalf of petitioner that he has got no criminal antecedent and has been falsely implicated in this case at the behest of local Chowkidar. Nothing was recovered from the house of petitioner and even in seizure list there is no signature of either petitioner or any of his family members. No mandatory provision of NDPS Act was complied and he is in custody since 11.04.2013.

Considering the fact that the petitioner has no criminal antecedent and he is in custody since, 11.04.2013 and trial is at the stage of examination of prosecution witnesses and none of the mandatory provisions of NDPS act have been complied, let the petitioner, Bhukhal Ram, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 5th Additional District and Sessions Judge, West



Champan at Bettiah in connection with Trial No. 41 of 2013
arising out of Srinagar Pujaha P.S.Case No. 27 of 2012, with
following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be represented on each and every date fixed by the court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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