

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6340 of 2018

Arising Out of PS. Case No. -502 Year- 2017 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN (MOTIHARI)

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Akash Kumar @ Aakash Kumar son of Deepak Yadav, resident of
Mohalla Naya Tola, Jurabganj, Police Station Kodha, District Katihar

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :
For the Petitioner : Mr. Sanjay Kumar No.-7, Advocate
For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 01-02-2018 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 14.07.2017 in connection with N.D.P.S. Case No. 62 of 2017 arising out of Motihari Town P.S. Case No. 502 of 2017 for the offences alleged under Sections 411/34 of the Indian Penal Code and Sections 22, 23, 24 and 25 of the Narcotic Drugs & Psychotropic Substances Act.

3. It is submitted that the petitioner has been falsely implicated in connection with the alleged recovery of two packets of charas containing 500 grams each. It is submitted that the petitioner resides in a rented room in the house of Binda Sah but recovery has not been made from the said room nor from conscious possession of the petitioner. The house was searched pursuant to the confessional statements of co-accused, namely, Sachin Kumar and Aman Gwala and on the confession of the latter, the house of Batatu Rai was raided leading to the recovery of 500 grams of charas. The said co-accused Sachin Kumar has been granted bail by this Court in Cr. Misc. No. 52390 of 2017. The petitioner claims



clean antecedents.

4. Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Sessions Judge/Special Judge, East Champaran at Motihari, in connection with N.D.P.S. Case No. 62 of 2017 arising out of Motihari Town P.S. Case No. 502 of 2017 on the following conditions:-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

B.T/Chandran

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