

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38174 of 2018

Arising Out of PS. Case No.-524 Year-2017 Thana- KADAMKUAN District- Patna

Umesh Rai, S/o Late Vijay Rai, Resident of Village- Dariyapur, P.S.- Bihta,
District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kaushal Kumar, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 06-07-2018 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner seeks bail in connection with Special
Case No. 174 of 2017 arising out of Kadam Kuan P.S. Case No.
524 of 2017 registered for the offence punishable under Sections
20 and 22 of the N.D.P.S. Act.

The prosecution case, as lodged by the police
personnel, is that during checking, five persons were
apprehended including the petitioner who were found dealing in
contraband Ganja. Petitioner was apprehended with 11.300 kgs.
of Ganja. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history and all
the other co-accused apprehended along with the petitioner



have been granted the privilege of bail by this Court and other co-ordinate Benches of this Court, one of them being Cr. Misc. No. 31012 of 2018 dated 24.05.2018. He submits that the quantity recovered is less than the commercial quantity as specified in the schedule of the N.D.P.S. Act. and that the petitioner is in judicial custody since 18.11.2017.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-III, Patna in connection with Special Case No. 174 of 2017 arising out of Kadam Kuan P.S. Case No. 524 of 2017, subject to the conditions that:

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

(2) It is also made clear that if, in



future, petitioner indulges in an offence of similar nature, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J.)

Arjun/Ragini

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