

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27448 of 2018

Arising Out of PS.Case No. -13 Year- 2017 Thana -GOVERNMENT OFFICIAL COMP. District-
VAISHALI(HAJIPUR)

- =====
1. Santosh Kumar, S/o Late Ramanand Rai.
 2. Rakesh Kumar, S/o Late Ramanand Rai. Both are residents of village -
Daudnagar, Ward No. 7, P.S. - Bidupur, Distt. - Vaishali.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

=====

Appearance :

For the Petitioners : Mr. Vijay Kumar Sinha, Advocate.

For the Opposite Party : Smt. Sahin Begam, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

6 05-09-2018 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are languishing in custody since
23.07.2017 in a case for the offence registered under Sections
20(b) of NDPS Act, 30(a), 30(d) and 35(a) of Bihar Prohibition
and Excise Act, 2016.

The prosecution story, in brief, is that 1061 liters
wine and 35 Kg. of *Ganja* are said to have been recovered.

Earlier bail application of the petitioners was rejected
vide Cr. Misc. No. 10119 of 2018 order dated 22.02.2018.

It has been submitted by learned counsel for the
petitioners that other similarly situated co-accused persons have
been granted bail by this Court vide Cr. Misc. No. 15387 of 2018
order dated 19.03.2018. It has further been submitted that the



petitioners are in judicial custody since 23.07.2017. Charge sheet/prosecution report has been submitted in the present case. They have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The alleged recovery is said to have been made from joint house of the petitioners. As per allegation, 1061 liters wine and 35 Kg. of *Ganja* were recovered. There is no compliance of Section 100 Cr. P.C. as well as Sections 42 and 50 of NDPS Act. The petitioners have remained in custody for more than one year.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R/ complaint case.

Considering the aforesaid facts and circumstances and the fact that other similarly situated co-accused persons have already been granted bail, let the petitioners above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge (Excise), Vaishali at Hajipur, in connection with Case No. C2A-13 of 2017.

U.K./-

U		T	
---	--	---	--

(Sudhir Singh, J)