

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22316 of 2018

Arising Out of PS. Case No.-7 Year-2017 Thana- BARHARIA District- Siwan

Md. Asharaf @ Sonu @ Asraf, son of Gul Mohammad, resident of Village-
Pardauna, Police Station- Barhariya, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh
For the Opposite Party/s : Smt. Veena Rani Prasad

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 19-04-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with NDPS Case
No. 90 of 2017, arising out of Barhariya P.S. Case No. 07 of
2017 for offences punishable under Sections 20/22 of the
N.D.P.S. Act.

The prosecution case, as lodged by the informant
police personnel, is that on secret information that some persons
have gathered in the Palani of co-accused Meera Manjhi and
have planned to commit some crime, the police raided the place
and apprehended the petitioner and other persons, who apart
from having arms and ammunitions, were found to have in their
possession 200 gms of Charas. Accordingly, a seizure-list was
prepared and another case lodged under the Arms Act.



It has been submitted by the learned counsel for the petitioner that he is innocent, nothing has been recovered from his conscious possession and he is languishing in judicial custody since 10.01.2017. He submits that charges have been framed and the petitioner undertakes to cooperate in the trial on day-to-day basis and not to tamper with the prosecution witnesses. He further submits that two of the accused persons on similar allegations have been granted privilege of bail by this Court in Cr. Misc. No. 27314 of 2017 vide order dated 26.07.2017 and Cr. Misc. No. 29161 of 2017 vide order dated 04.08.2017 and that the contraband item is less than the commercial quantity.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent.

Considering the facts and circumstances and the materials on record, 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 1st Additional District and Sessions Judge, Siwan, in connection with NDPS Case No. 90 of 2017, arising out of Barhariya P.S. Case No. 07 of 2017, subject to the following



conditions :

- (i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.
- (iii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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