

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34000 of 2018

Arising Out of PS.Case No. -183 Year- 2014 Thana -KHAJEKALA District- PATNA

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Sudama Gope, S/o Ram Jivan Rai, R/o Diwan Mohalla, Hamampur, P.S.-
Khajekala, Distt.- Patna

.... Petitioner

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Sri Ahtash Ali Khan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 14-06-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner, in the present case, is seeking regular bail in connection with Special Case No. 53 of 2014, arising out of Khajekala P.S. Case No. 183 of 2014, registered for offences alleged under Section 20 of the NDPS Act.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case without there being any allegation. It is submitted that the informant of this case is a Sub-Inspector of Police who has lodged the F.I.R. based on secret information that the petitioner was selling Ganja in his tea stall. Learned counsel submits that as per the allegations, in course of search, a total of 200 gms of Ganja packed in 68 Puriyas were



found in the tea stall. Learned counsel submits that the petitioner is in custody in connection with this case since 01.05.2018. It is also pointed out from Annexure-2 that earlier petitioner, while in custody in connection with one case under the Excise Act, had made an application before the court of learned Sessions Judge to remand him in the present case but that was rejected saying that in the F.I.R. lodged on 13.07.2014 up till now there is no material against the petitioner collected during the investigation. Learned counsel submits that there is no recovery from the conscious possession of the petitioner and the tea stall is situated in an open space where anybody can come and go and the entire case is based on the statements of the persons who were allegedly there and had consumed Ganja, thus the evidentiary value of such evidence itself becomes doubtful.

Learned APP for the State is present and submits that 200 gms of Ganja has been allegedly recovered from the tea stall of the petitioner.

Considering the facts and circumstances of the case, the quantity of the Ganja and Annexure-2 showing the fact that the petitioner had himself applied for taking him on remand in the present case, but the same was refused because there was no evidence against him, let the petitioner above named, be enlarged



on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Patna, in connection with Special Case No.- 53 of 2014, arising out of Khajekala P.S. Case No. 183 of 2014, subject to the conditions U/S 437(3) Cr.P.C. and subject to the further condition that the petitioner shall co-operate in course of trial and two consecutive defaults in putting appearance before the learned trial court would lead to cancellation of the bail by the Trial Court without waiting for an application on behalf of the prosecution.

(Rajeev Ranjan Prasad, J)

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