

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38054 of 2018

Arising Out of PS. Case No.-11 Year-2018 Thana- BARSOI District- Katihar

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Suraj Das S/o Harendra Nath Das, R/o Vill.- Pada, P.S.- Barsai, District-
Katihar , Pin -855102.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Jitendra Kumar Singh

For the Opposite Party/s : Mr. Humayou Ahmad Khan

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
17.01.2018 in connection with Barsoi P.S. Case No. 11 of 2018
for offences punishable under Sections 20/22 of the Narcotic
Drugs and Psychotropic Substances Act.

The prosecution case, as lodged by the police
personnel, is that on secret information the petitioner was
apprehended with 1kg 100 gms of ganja and 90 cigarette filled
with 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 has
been falsely implicated in the aforesaid case due to high
handedness of the police. He submits that the provision of



section 50 of the N.D.P.S. Act has not been complied with and that the ganja seized if taken in totality is less than the commercial quantity. It is further submitted that the charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record as well as the period of custody, 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 Additional District Judge-I cum Special Judge Katihar, in connection with Barsoi P.S. Case No. 11 of 2018, G.R. No. 210 of 2018, 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)

Rajesh/Pragya

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