

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38089 of 2018

Arising Out of PS. Case No.-73 Year-2018 Thana- KATIHAR District- Katihar

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Guddu Kumar S/o Jogi Ray @ Yogi Ray, R/o Vill.- Bahrampur, P.S.-
Raghopur, District- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

Criminal Miscellaneous No. 41640 of 2018

Arising Out of PS. Case No.-73 Year-2018 Thana- KATIHAR District- Katihar

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Rakesh Kumar, S/o Ram Naresh Ray, resident of Village- Bahrampur, P.S.-
Raghopur, District- Vaishali.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

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Appearance :

(In Criminal Miscellaneous No. 38089 of 2018)

For the Petitioner : Mr. Ashok Kumar Mishra, Adv.

For the Opposite Party : Mr. Surendra Kumar, A.P.P.

(In Criminal Miscellaneous No. 41640 of 2018)

For the Petitioner : Mr. N. K. Agrawal Sr. Adv.

: Mr. Anujit Sinha, Adv.

: Miss. Preety Kunwar, Adv.

: Mr. Ashok Kumar Mishra, Adv.

For the Opposite Party : Mr. Nand Kishore Pd. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

4 23-08-2018 Since both the cases arise from same P.S. as such

they are taken up together.

Heard learned counsel for the petitioners and learned

counsel for the State.

The petitioners, who are in custody, seeks bail in

connection with Special N.D.P.S. Case No. 03 of 2018 arising

out of Katihar Sahayak P.S. Case No. 73 of 2018 registered for

the offences punishable under Sections 8/20(b) (ii) (c)/25/29 of



the Narcotic Drugs and Psychotropic Substance Act.

Informant is a police officer, who in his written complaint has alleged that on 30.01.2018 at about 5:00 P.M. on the basis of secret information informant seized a truck coming from Tripura and one Bolero vehicle, after search of the truck 644 kilogram of Ganja was recovered and further alleged one Bolero vehicle was escorting the truck and the petitioners were found in the Bolero vehicle.

It is submitted by the learned counsel on behalf of the petitioners that recovery of Ganja was from the truck, which was coming from Tripura, whereas the petitioners were traveling in the Bolero vehicle, which was said to be following the said truck. The entire case diary does not reveal that there is any nexus between the truck and the Bolero Vehicle. Petitioners are innocent and have been falsely implicated in this case. It has been further submitted that on similarly based case other co-accused, namely, Lalan Rai and Arun Kumar has been granted bail by another co-ordinate Bench of this Court in Cr. Misc. No. 38323 of 2018 and 28848 of 2018 vide order dated 25.07.2018 and 20.07.2018 respectively.

Considering the aforesaid fact and circumstances of the case, let the petitioners named above be released on bail



upon furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Katihar in connection with Special N.D.P.S. Case No. 03 of 2018 arising out of Katihar Sahayak P.S. Case No. 73 of 2018 subject to conditions:

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners would co-operate in the trial and would be present on each and every date fixed by the court and their absence on two consecutive dates without proper and valid reason trial court shall have liberty to cancel their bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

Rajiv/manoj

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