

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55317 of 2018

Arising Out of PS.Case No. -109 Year- 2016 Thana -BARACHATTI District- GAYA

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Budhan Singh @ Budhan Singh Bhogta son of Late Ganpat Singh,
resident of Village- Kewalia, P.S. Barachatti, District- Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ajay Kumar Jain

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 06-10-2018 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Section 15/18 of the N.D.P.S. Act registered in
connection with Barachatti P.S. Case No. 109 of 2016.

3. It is submitted that the petitioner has been falsely
implicated in connection with alleged cultivation of opium. The
F.I.R. has been instituted after inordinate delay on 06.04.2016 for
the alleged occurrence of 09.02.2016. Similarly situated co-accused
persons namely Virendra Yadav and Rajesh Sao @ Rajendra Sao
have been granted anticipatory bail in Cr. Misc. No. 9023 of 2018.
The petitioner claims clean antecedents.

4. Be that as it may, having regard to the entirety of the
facts and circumstances of the case, in the event of the petitioner's
arrest or surrender before the court below within six weeks from
the date of communication of this order, let the above named
petitioner be released on bail on furnishing bail bond of
Rs.10,000/- (ten thousand) with two sureties of like amount each



to the satisfaction of learned Special Judge, N.D.P.S. Gaya in connection with Barachatti P.S. Case No. 109 of 2016, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Md. Ibrarul/-

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