

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3476 of 2019

Arising Out of P.S. Case No.-532 Year-2018 Thana- FATUA District- Patna

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Anuj Rai @ Anjay (M) aged about 24 years, son of Munarik Rai Resident of
Village- Garhochak, P.S.- (Fatuha), District - Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kumar Ranjit Ranjan, Advocate

For the Opposite Party/s : Mr.Surendra Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 25-01-2019 Heard the learned counsel for the petitioner and

learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
10.09.2018 in connection with Special Case No.100 of 2018
arising out of Fatuha P.S.Case No.532 of 2018 for the offence
alleged under Sections 20 and 22 of the N.D.P.S. Act.

The prosecution case as lodged by the police
personnel is that on secret information that one person is selling
ganja in his Gumti, the police raided the place and apprehended
the petitioner. From the *Gumti*, 1.500 K.G. of ganja was
recovered. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the
petitioner that he is innocent, there is no criminal history and
has been falsely implicated in the aforesaid case. He further



submits that *Gumti* did not belong to him, he is a daily wage labourer, the ganja so seized is less than the commercial quantity, the petitioner is languishing in judicial custody since more than four months and chargesheet has already been submitted, there being no allegation of tampering with the prosecution witnesses.

However, learned APP for the State opposes the prayer for bail stating therein that the ganja was recovered from the *Gumti* of the petitioner.

Considering the facts and circumstances and the nature of allegations and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Special Case No.100 of 2018 arising out of Fatuha P.S.Case No.532 of 2018 to the satisfaction learned Sessions Judge/Special Judge, Patna, 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 their relationship with the petitioner.

(ii) 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)

B.Kr./-

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