

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13269 of 2019

Arising Out of PS. Case No.-423 Year-2016 Thana- BARACHATTI District- Gaya

Md. Mohsin son of Md. Hasan resident of Khetrajpur P.S.- Khetrajpur,
District Sambalpur (Orissa).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Kumar Singh
For the Opposite Party/s : Mr. Ansar Ul Haque

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 01-05-2019 Heard learned counsel for the petitioner and the
learned counsel appearing on behalf of the State.

Petitioner had earlier moved twice for bail which was rejected by order dated 18.10.2017 passed in Cr. Misc. No. 41764 of 2017 and order dated 19.09.2018 passed in Cr. Misc. No. 45053 of 2018.

Petitioner is languishing in judicial custody since 24.10.2016 in connection with N.D.P.S. Case No. 03 of 2017 arising out of Barachatti P.S. Case No. 423 of 2016, G.R. No. 1755 of 2016 for offences punishable under Sections 420, 467, 468, 471, 120(B), 414 and 8/20(B), 11(S), 2, 25, 29 of the N.D.P.S. Act.

The prosecution case as lodged by the police personnel is that during patrolling duty, the police received



information that huge quantity of Ganja is being carried in a Maruti Swift Dzire vehicle, the police intercepted the vehicle and apprehended three persons including the petitioner and from the dicky, 100kg Ganja was recovered. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and has been falsely implicated in the aforesaid case. It is further submitted that no recovery has been made from the conscious possession of the petitioner, petitioner was not the owner of the car, just the driver and did not know that contraband item had been concealed in the said vehicle. He further submits that trial has not made much headway although the last witness examined was in the month of April, 2018. Although, on the earlier occasion status report was called for from the lower court, time of two months was prayed for conclusion of trial but still trial has not concluded.

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

Considering the nature of allegations, the period of custody and that trial has not made much headway as well as the fact that the petitioner does not bear any criminal antecedent as



stated in para-3 of the present application, let the 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 the learned Additional District and Sessions Judge, IV, Gaya in connection with N.D.P.S. Case No. 03 of 2017 arising out of Barachatti P.S. Case No. 423 of 2016, G.R. No. 1755 of 2016, subject to the conditions:-

(1) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(2) The 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.

(3) 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)

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