

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10869 of 2019

Arising Out of PS. Case No.-307 Year-2016 Thana- BARACHATTI District- Gaya

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AVINASH KUMAR Late Anand Kishore Singh Resident of village-New Colony Pakri Ara P.S.-Nawada, District-Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kalyan Shankar

For the Opposite Party/s : Mr.Manoj Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 01-05-2019 Heard learned counsel for the petitioner and the learned counsel appearing on behalf of the State.

Petitioner had earlier moved for bail which was rejected by order dated 06.07.2017 passed in Cr. Misc. No. 22345 of 2017.

Petitioner is languishing in judicial custody since 14.08.2016 in connection with Barachatti P.S. Case No. 307 of 2016 for offences punishable under Sections 20, 22, 29 of the N.D.P.S. Act.

The prosecution case as lodged by the police personnel is that the petitioner along with another co-accused were apprehended from Fiat Linea vehicle. From documents, names of other persons were revealed. On search from the dickey, 1 quintal and 90 kg 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, bears no criminal antecedent and has been falsely implicated in the aforesaid case. He is just a student and was returning home after taking lift in the car and did not know that the contraband item was concealed in the vehicle. He submits that nothing has been recovered from his conscious possession and the petitioner has a bright career being a student.

However, learned counsel for the State opposes the prayer for bail stating therein that the petitioner was caught red handed and huge quantity of contraband item was concealed in the car in which the petitioner was present.

Considering the nature of allegations, and the materials on record as well as the period of custody and 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 Special Sessions Judge, NDPS Act, Gaya in connection Barachatti P.S. Case No. 307 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)

devendra/priyanka

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