

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8726 of 2019

Arising Out of PS. Case No.-310 Year-2018 Thana- ADAPUR District- East Champaran

RAGHUNATH SAHANI, aged about 55 years, Male, Son of Late Devsharan Sahani, Resident of Village - Sunderpur (Kolhoni), P.S.- Adapur (Nakardeyi), Dist.- East Champaran ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Ajay Kumar Singh, Adv.

For the Opposite Party : Mr. Sangeeta Sharma, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 14-02-2019 Heard the learned counsel for the petitioner and the learned counsel appearing for the State.

The petitioner is languishing in judicial custody since 20.10.2018 in connection with N.D.P.S. Case No. 64 of 2018 arising out of Adapur (Nakardeyi) P.S. Case No. 310 of 2018 (G.R. No. 1420 of 2018) for the offences alleged under Sections 8 and 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act and under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the excise officials, is that the petitioner was apprehended coming from the Indo-Nepal border carrying some goods. On search 1.4 Kg ganja and two bottles, each containing 300 ml of Nepali Saufi wine, were 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 history and no offence, as alleged, is made out against the petitioner as he had not indulged in carrying contraband items. He, further, submits that the ganja, recovered, is less than the commercial quantity and the petitioner has been punished enough. He, further, submits that charge sheet has already been submitted, there being no allegation of tampering with the prosecution witness.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that ganja and illicit liquor was recovered from the possession of the petitioner.

Considering the facts and circumstances and the materials on record as well as the fact that the petitioner has a clean antecedent, 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 N.D.P.S. Case No. 64 of 2018 arising out of Adapur (Nakardeyi) P.S. Case No. 310 of 2018 (G.R. No. 1420 of 2018) to the satisfaction of the learned Special Judge, East Champaran at Motihari, 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 his 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)

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