

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12600 of 2019

Arising Out of PS. Case No.-357 Year-2018 Thana- HARSIDHI District- East Champaran

GULAB SAHANI Son of Late Gopal Sahani Resident of Village - Ujjain
Lohiyar Singaha, P.S- Harsidhi, Distt.- East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suraj Narain Yadav

For the Opposite Party/s : Mr.Pramod Kumar Pandey

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since 29.08.2018 in connection with NDPS Case No. 50 of 2018, arising out of Harsidhi P.S. Case No. 357 of 2018 for offences punishable under Sections 20/22 of the NDPS Act.

The prosecution case, as lodged by the police personnel, is that on secret information that co-accused Manoj Sahani has concealed huge quantity of ganja in his hut, the police conducted a raid and found two persons including the petitioner fleeing from the hut, who were apprehended. Petitioner revealed that he had come to purchase 5 kgs of ganja from co-accused Manoj Sahani, who deals in ganja and has been apprehended on raid. Accordingly, a seizure-list was prepared of



16 kgs of ganja found in the said hut.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. He submits that only allegation is that the petitioner was purchasing 5 kgs of ganja which is less than the commercial quantity and he is languishing in judicial custody for more than six months. He further submits that charge-sheet 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.

Considering the facts and circumstances and the materials on record, let 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 learned District & Sessions Judge/ Special Judge, East Champaran at Motihari, in connection with NDPS Case No. 50 of 2018, arising out of Harsidhi P.S. Case No. 357 of 2018, subject to the following conditions :

1. 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.

2. 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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