

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12080 of 2019**

Arising Out of PS. Case No.-17 Year-2019 Thana- PHULWARISHARIF District- Patna

AKASH KUMAR @ CHITTU @ BITTU Son of Subhas Prasad Resident of
Harnichak, P.S.- Beur, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 13712 of 2019

Arising Out of PS. Case No.-17 Year-2019 Thana- PHULWARISHARIF District- Patna

GYAN KSHITIJ S/o Harendra Kumar R/o Hardiya Chowk, P.S.- Shikarpur,
District- West Champaran, A/P- Khoja Imli, Opposite Canara Bank, P.S.-
Phulwarisharif, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 12080 of 2019)

For the Petitioner/s : Mr.Ghanshyam Tiwary

For the Opposite Party/s : Mr.Md. Mushtaque Alam

(In CRIMINAL MISCELLANEOUS No. 13712 of 2019)

For the Petitioner/s : Mr.Rina Sinha

For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 03-04-2019 Heard learned counsel for the petitioners and learned
counsel for the State.

Petitioners, who are in custody, seek bail in
connection with Special Case No. 3 of 2019 arising out of
Phulwarisharif P.S. Case No. 17 of 2019 registered for the
offence punishable under Section 20/22 N.D.P.S. Act.



Allegation is recovery of one Sachet of Brown Sugar from the possession of petitioners.

It has been submitted on behalf of the petitioners that petitioners are innocent and have been falsely implicated in this case only on the basis of suspicion. No incriminating material has been recovered from the possession of petitioners. It has been further submitted that similarly placed co-accused Rahul Kumar @ Chhotu has been granted bail by a co-ordinate Bench of this Court vide order dated 27.02.2019 passed in Cr. Misc. No. 12012 of 2019. Petitioners have no criminal antecedents and Petitioner Akash Kumar is in custody since 10.01.2018 and petitioner Gyan Kshitij is in custody since 11.01.2019.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Session Judge cum Special Judge, Patna, in connection with Special Case No. 3 of 2019 arising out of Phulwarisharif P.S. Case No. 17 of 2019 subject to the conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.



(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and their absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel their bail bonds.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

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