

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16323 of 2019**

Arising Out of PS. Case No.-597 Year-2018 Thana- BARACHATTI District- Gaya

BINOD KUMAR, aged about 23 years, Male, Son of Lakhan Yadav, Resident  
of Village- Kahudag, P.S.- Barachatti, District- Gaya ... Petitioner

Versus

The State of Bihar

... Opposite Party

**Appearance :**

For the Petitioner : Mr. Sudhir Kumar Sinha, Adv.

For the Opposite Party : Mr. Dr. Indiwari Kumari, APP

**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

2      26-03-2019                      Heard the learned counsel for the petitioner and the  
learned counsel appearing for the State.

The petitioner is languishing in judicial custody since 10.09.2018 in connection with N.D.P.S. Case No. 32 of 2018 arising out of Barachatti P.S. Case No. 597 of 2018 for the offences alleged under Sections 18, 20 and 22 of the Narcotic Drugs and Psychotropic Substances Act.

The prosecution case, as lodged by the police personnel, is that on secret information that the petitioner has stored intoxicating materials, the house of the petitioner was searched and on the roof 11 Kg of doda, which is the cover of opium fruit, 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 history and has



been falsely implicated in the aforesaid case. He submits that the statement of the witnesses regarding the place of seizure is contradictory and that charge sheet has already been submitted. The petitioner is languishing in judicial custody since more than six months, there being no allegation of tampering with the prosecution witnesses. He submits that the provisions of Section 50 of the Narcotic Drugs and Psychotropic Substances Act has not been complied and the petitioner undertakes to cooperate in the trial and appear before the Court as and when required.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the nature of allegations and the materials on record, 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. 32 of 2018 arising out of Barachatti P.S. Case No. 597 of 2018 to the satisfaction of the learned Additional Sessions Judge I-cum-Special Judge, N.D.P.S., Gaya, 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)**

Shamshad/-

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