

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21849 of 2019

Arising Out of PS. Case No.-196 Year-2018 Thana- CHAUSA District- Madhepura

BISHUNDEO GOSHWAMI @ BISHU GOSWAMI, aged about 62 years,
Male, Son of Late Muneshwar Goshwami, Resident of Village - Dumrail,
P.S.- Puraini, Distt – Madhepura ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Shailendra Kumar Singh, Adv.
For the Opposite Party : Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-04-2019 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor appearing for the State.

The petitioner is languishing in judicial custody since
05.11.2018 in connection with Special Case No. 6 of 2018
arising out of Chousa P.S. Case No. 196 of 2018 for the offences
alleged under Sections 8 and 20(b)(ii)(B) of the Narcotic Drugs
and Psychotropic Substances Act.

The prosecution case, as lodged by the police
personnel, is that during vehicle checking, two persons Mukesh
Mandal and Dilip Mandal were apprehended with motorcycle
along with 12 kilogram of ganja. The name of the petitioner
was revealed by the apprehended co-accused to have fled away
from the motorcycle. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the



petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that nothing has been recovered from his conscious possession and two of the co-accused apprehended along with contraband item has already been granted privilege of bail by a coordinate Bench of this Court in 79676 of 2018 by order, dated 15.01.2019. Petitioner, further, submits that charge sheet has already been submitted, there being no allegation of tampering with the prosecution witnesses.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and three more cases under the Narcotic Drugs and Psychotropic Substances Act are pending against the petitioner.

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 Special Case No. 6 of 2018 arising out of Chousa P.S. Case No. 196 of 2018 to the satisfaction of the learned Sessions Judge-cum-Special Judge, Madhepura, or the successor Court 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) 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.

(iii) 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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