

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25907 of 2019

Arising Out of PS. Case No.-11 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

=====

AWADHESH RAI @ AWADHESH RAY Son of Ramjanam Rai Resident of
Village - Chanpura, P.S.- Raghopur, Distt.- Vaishali.

... .. Petitioner/s

Versus

UNION OF INDIA

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Anuj Kumar
For the Opposite Party/s : Ms. Shail Kumari, CGC

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

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

Petitioner seeks bail in connection with Special
(N.D.P.S.) Case No. 15 of 2018, arising out of F.No.
NCB/PZU/V/11/2018 for offences punishable under Sections
20(b) (ii)(c) and 29 of the NDPS Act.

The prosecution case, as lodged by the Intelligence
Officer, NCB, Patna, is that on secret information a
Bolero vehicle was intercepted and four co-accused were
found seated in the said Bolero vehicle. On search, from
the Bolero vehicle, 137 kgs. of ganja was recovered. One of the
co-accused, namely, Govind Ghosh revealed that the
consignment had to be delivered to the petitioner. Accordingly,



the name of the petitioner surfaced and a seizure-list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history, has not been apprehended on the spot and nothing has been recovered from his conscious possession. He submits that the confessional statement of the co-accused before the Intelligence Officer, NCB has no evidentiary value in the eye of law and the petitioner is languishing in judicial custody since 06.03.2018.

However, learned APP for the State opposes the prayer for bail stating therein that huge quantity of ganja was recovered and the petitioner has been alleged to be involved in dealing in the said contraband item.

Considering the nature of allegations and that petitioner was not apprehended on the spot coupled with the fact that he does not bear any criminal antecedent, as stated in paragraph 3 of this application, 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 Addl. District and Sessions Judge-VII, Patna, in connection with Special (N.D.P.S.) Case No. 15 of 2018, arising out of F.No. NCB/PZU/V/11/2018, 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. 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)

Rajesh/-

U		T	
---	--	---	--

