

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23935 of 2019

Arising Out of PS. Case No.-139 Year-2017 Thana- KHUSRUPUR District- Patna

AWDHESH PRASAD @ SAURABH, aged 30 years, Male, Son of Lalan Yadav Resident of Village - Pipar Bigaha (Pipra Patti), P.S.- Dhanarua, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudha Chandra, Advocate

For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 16-04-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since 20.07.2017 in connection with Special Case (NDPS) No.101 of 2017 arising out of Khusrupur P.S.Case No.139 of 2017 for the offence alleged under Sections 399, 402, 353 and 307/414 of the Indian Penal Code, Sections 25(1-B)26, 27 and 35 of the Arms Act and Sections 20 and 22 of the Narcotic Drugs And Psychotropic Substance Act.

The prosecution case as lodged by the police personnel is that on confidential information that some miscreants are committing loot and plundering of the passers-by from the motorcycles, cars and other vehicles, the police



constituted a team in which some miscreants resorted to firing. On cross-firing by the police they apprehended 16 persons including the petitioner. While from the possession of other accused, arms and ammunitions were recovered, from the possession of the petitioner and co-accused Krishna Kumar @ Kishan 500 grams each of charas was recovered. 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 just because he has a criminal antecedent. He submits that chargesheet has already been submitted and on similar allegations accused Krishna Kumar @ Kishan has been granted the privilege of bail by a coordinate Bench of this Court in Cr.Misc.No.49321 of 2018 dated 03.10.2018. He further submits that the petitioner is languishing in judicial custody since nearly one year and nine months.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and eight more cases are pending against him.

Considering the nature of allegations, the period of custody and that on similar allegations one of the co-accused has been granted the privilege of bail, 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 (NDPS) Case No.101 of 2017 arising out of Khusrupur P.S.Case No.139 of 2017 to the satisfaction of learned 2nd Additional District & Sessions Judge-cum-Special Judge (NDPS Act), Patna, 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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