

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22437 of 2019

Arising Out of PS. Case No.-191 Year-2018 Thana- PURAINI District- Madhepura

VISHUNDEO GOSWAMI @ VISHUNDEO GOSHWAMI Son of Late
Muneshwar Goshwami, Resident of Village- Dumrail, Police Station- Puraini,
District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh

For the Opposite Party/s : Mr.Rajesh Kumar

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 12-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
17.10.2018 in connection with N.D.P.S. Case No. 11 of 2018,
arising out of Puraini P.S. Case No. 191 of 2018 for offences
punishable under Sections 8/20(b)(ii)(B) of the N.D.P.S. Act.

The prosecution case, as lodged by the police
personnel, is that on a special raid the house of the petitioner
was searched and from the possession of the petitioner in a
plastic bag 2 kg of ganja and from the possession of his wife 1
kg of ganja in a plastic bag 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. He submits that wife of the petitioner, who was apprehended along with the petitioner, has since been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 77479 of 2018 vide order dated 15.01.2019 and charge-sheet has already been submitted there being no allegation of tampering with the prosecution evidence/witnesses. He further submits that the said ganja was implanted by the neighbours who are on inimical terms with the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and three more cases for similar offence are pending against him, although, counsel for the petitioner submits that in all such cases petitioner has been granted the privilege of bail.

Considering the nature of allegations, period of custody and charge-sheet has already been submitted, 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 Sessions Judge cum Special Judge, Madhepura, in connection with N.D.P.S. Case No. 11 of 2018, arising out of Puraini P.S. Case No. 191 of



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. 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.
3. 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/-

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