

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29427 of 2019

Arising Out of PS. Case No.-219 Year-2018 Thana- DUMARIAGHAT District- East
Champaran

RAMESH RAI Son of SakalDeo Rai Resident of Village- Mirampur, P.S.-
Raghopur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 30871 of 2019

Arising Out of PS. Case No.-219 Year-2018 Thana- DUMARIAGHAT District- East
Champaran

SANTOSH KUMAR Son of Daagar Sah Resident of Namidih, P.S.-Lalganj,
District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 30072 of 2019

Arising Out of PS. Case No.-219 Year-2018 Thana- DUMARIAGHAT District- East
Champaran

RAJESH KUMAR Son of Sakaldev Ray Resident of Village - Mirampur, P.s.-
Raghopur, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 29427 of 2019)
For the Petitioner/s : Mr.Kaushal Kumar
For the Opposite Party/s : Mr.Anuj Kumar Shrivastava
(In CRIMINAL MISCELLANEOUS No. 30871 of 2019)
For the Petitioner/s : Mr.Krishna Kant Singh
For the Opposite Party/s : Mr.Satya Nand Shukla
(In CRIMINAL MISCELLANEOUS No. 30072 of 2019)
For the Petitioner/s : Mr.Ashok Kumar Mishra
For the Opposite Party/s : Mr.Nagendra Prasad



CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 15-05-2019 Heard learned counsel for the petitioners and the learned counsel appearing on behalf of the State.

Petitioners are languishing in judicial custody since 23.12.2018 in connection with Dumariaghat P.S. Case No. 219 of 2018, N.D.P.S. Case No. 78 of 2018 for offences punishable under Sections 20/22 of the N.D.P.S. Act.

The prosecution case as lodged by the police personnel is that a Honda City car driven by co-accused Santosh Kumar was intercepted and the petitioners were apprehended. On search from the bag at the back seat of the vehicle 35.390kg of Ganja was recovered. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioners that they are innocent, bear no criminal antecedent, nothing has been recovered from their possession and they are also not the owner of the said vehicle. He submits that charge-sheet has already been submitted, there being no allegation of tampering with the prosecution witnesses.

However, learned APP for the State opposes the prayer for bail.

Considering the nature of allegations and that



petitioners do not bear any criminal antecedent as stated in para-3 of the present applications coupled with the fact that charge-sheet has already been submitted, let the petitioners above named be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sessions Judge/Special Judge, East Champaran, Motihari in connection with Dumariaghat P.S. Case No. 219 of 2018, N.D.P.S. Case No. 78 of 2018, subject to the conditions:-

(1) One of the bailors would be close relative of the petitioners having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioners.

(2) If the petitioners indulge in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of their bail bonds.

(Nilu Agrawal, J)

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