

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35836 of 2019

Arising Out of PS. Case No.-270 Year-2017 Thana- BIDUPUR District- Vaishali

=====

Kameshwar Rai, aged about 50 years, Gender- M, Son of Late Teka Rai,
Resident of Village- Mile Pakari, P.S- Bidupur, District- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha

For the Opposite Party/s : Ms.Anita Kumari Singh

=====

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 24-07-2019 Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 8/20(b)(ii)(c) of the NDPS Act.

Earlier, the bail application of the petitioner was rejected vide order dated 25.02.2019 as contained in Annexure-1.

Allegation against the petitioner is recovery of 65 kg. of Ganja from his house. Further allegation is that when the police party were returning, villagers tried to snatch the said Ganja and also damaged government jeep.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case. It has further been submitted that after passing of three months, petitioner was remanded in this case on 11.06.2018 from



Jandaha P.S. Case No.153 of 2017 where he was arrested for recovery of 70 kg. Ganja from his vehicle. However, in that case, petitioner was granted bail by a co-ordinate Bench of this Court.

Mandatory provisions under NDPS Act have not been followed while making search and seizure in the house of petitioner from where 65 kg. of alleged Ganja was recovered when petitioner was in custody. Seizure list does not bear signature of any family member. Place of recovery has not been specified. Except these two cases instituted under NDPS Act on the same day, petitioner is not accused in any of the case.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Bidupur P.S. Case No. 270 of 2017 with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond



shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) Before accepting the bail bond, the court below would make verification regarding criminal antecedent of the petitioner and if he is found to be involved in any criminal case except Jandaha P.S. Case No.153 of 2017 and present case prior to filing of affidavit in this application, i.e., 03.05.2019, then he would not be released.

(S. Kumar, J)

Sanjay/-

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

