

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32890 of 2019

Arising Out of PS. Case No.-186 Year-2018 Thana- KHAJAULI District- Madhubani

Diwakar Kumar, aged about 25 years (Male), Son of Hari Yadav, Resident of Village- Chhapradhi, P.S.- Khajauli, Dist.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Y.C. Verma, Sr. Adv.
	:	Mr. Gagan Deo Yadav, Adv.
For the Opposite Party/s	:	Mr.Anant Kumar 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 28-08-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case registered for the offence punishable under Sections 272, 273/34 of the Indian Penal Code and 30 (a) of the Bihar Prohibition and Excise Act and 20 (b) (ii) (C) of N.D.P.S, Act, 1985.

From perusal of the record, it transpires that this case was instituted against the two accused persons including the petitioner for committing offence, on the basis of self-statement of the informant Ram Chandra Chaupal, SHO, Khajauli P.S. According to the informant, he got information in the night of 1.11.2018 at about 1 O'clock that Diwakar Kumar along with other companion has kept Ganja and liquor in his cattle house in



village-Chhaprarhi. The informant along with other police officers proceeded to place of occurrence and after a few time, B.D.O., Khajauri arrived there. The informant with other police personnel in the presence of independent witnesses and B.D.O., raided at the house of the petitioner and on search from his cattle house, Diwakar Kumar and Pushpa Ram were apprehended. On search, police officer seized two bundles of Ganja packet by plastic and six bottles of liquor each containing 750 ml liquor. On enquiry, Diwakar Kumar stated to the informant that with the help of Puspa Ram, he has brought all these articles from Tripura. On weighing Ganja, it was found 12 kg. In each bundle. On place of occurrence, seizure list was prepared. I.O. after completing investigation submitted chargesheet against the two accused persons including the petitioner.

Learned senior counsel for the petitioner submits that the petitioner is in custody since 02.11.2018 and has got no criminal antecedent. Charge sheet has been submitted in this case and there is no recovery from the conscious possession of the petitioner.

Considering the aforesaid facts and circumstances, 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 to the satisfaction of the learned Sessions Judge, Madhubani, in connection with Khajauli P.S. Case No. 186 of 2018, subject to the 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 Court and his absence on two consecutive dates without sufficient reasons, 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.

(Anjani Kumar Sharan, J)

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