

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.73569 of 2018

Arising Out of PS. Case No.-92 Year-2018 Thana- KIUL RAIL P.S. District- Lakhisarai

Bikau Gupta, Son of Dhanesh Gupta, Resident of Village- Rupahi Tand, P.S.-
Bhitaha, District- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satish Chandra Mishra, Adv.

For the Opposite Party/s : Mr. Anil Kumar Singh 1, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 23-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
10.08.2018 in a case registered for the offence punishable
under Sections 20(b)/22 of The Narcotic Drugs and
Psychotropic Substances Act, 1985.

The prosecution case as per the self statement of
SHO, Ashok Kumar, Kiul Rail Police Station recorded on
29.04.2018 at Kiul Railway Station on 29.04.2018 at 02.30
A.M., is to the effect that during the checking being carried out
at Kiul Railway Station, from the Bibhuti Express (UP), two
persons were found in suspicious condition carrying two bags
and on search being made, from one bag, 13.50 Kgs of ganja
and from the another bag, 10.20 kgs of ganja were recovered
and the two apprehended persons disclosed their names as



Sikandar Gupta and Ramadhar Ram. The apprehended co-accused further disclosed that the co-accused Vijay Kumar Gupta and the petitioner Bikau Gupta authorized them to receive the consignment of 'ganja' from a person, namely Shyam at Howrah station and they had to produce the consignment to draw up at Padrauna for which they were to be paid Rs. 3000/- each.

It is submitted by learned counsel for the petitioner that admittedly, recovery has not been made from the possession of the petitioner. Their name sprang up on the confession of the apprehended co-accused persons from whom the recovery of the contraband has been made. It is further submitted that the apprehended co-accused Sikandar Gupta and Ramadhar Ram from whom the recovery has been made, have been granted bail by a co-ordinate Bench of this Court vide order dated 13.12.2018, passed in Criminal Miscellaneous No. 74206 of 2018 and vide order dated 22.11.2018, passed in Criminal Miscellaneous No. 69293 of 2018, whereas, co-accused Vijay Kumar Gupta, whose name sprang up on the confession of co-accused, has also been granted bail vide order dated 22.11.2018, passed in Criminal Miscellaneous No. 64121 of 2018. A statement has been made in paragraph no.3



of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State, however, submits that the name of the petitioner sprang up as a person who authorized the apprehended accused persons to transport the illegal 'ganja' and hand it over the co-accused Shyam.

Considering the fact that recovery of contraband has not been made from the possession of the petitioner and the co-accused persons from whom the recovery of contraband has been made, have already been granted bail, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released 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 District and Sessions Judge-II-cum-Special Judge, Lakhisarai, in connection with NDPS Special Case No. 7 of 2018, arising out of G.R.P./Kiul Rail P.S. Case No.92 of 2018.

(Dinesh Kumar Singh, J)

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