

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72892 of 2018

Arising Out of PS. Case No.-48 Year-2011 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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Vijay Kumar Chaurasiya @ Ram Pukar Chaurasiya, son of Late amashish chaurasiya @ Ramashish Bagat, resident of Koiria Tolla, Near Sato Mai Ke Mandir, P.S. Raxaul, District East Champaran

... .. Petitioner/s

Versus

Union of India, through Intelligence Officer, Narcotics Control Bureau, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anurag Anand

For the Opposite Party/s : Mr. Ram Anurag Singh, CGC

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

6 08-05-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner had earlier moved this Court twice for grant of bail in Cr. Misc. No. 42029 of 2013, which was rejected vide order dated 08.01.2014 and in Cr. Misc. No. 39882 of 2017, which was rejected vide order dated 15.11.2017.

Petitioner is languishing in judicial custody since 14.12.2011 in connection with Special Case No. 48 of 2011, arising out of FIR No. NCB/PZU/V/01/2011/857 for offences punishable under Sections 8, 20, 29 of the NDPS Act.

The prosecution case, as lodged by the Narcotic Control Bureau, is that the petitioner was apprehended with 12.150 kgs of Hashish/Charas, which was confirmed by the



Chemical Examiner, CRCL, Kolkata.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and is a victim of circumstances. He submits that the petitioner is languishing in judicial custody since 2011 and only 4 witnesses have been examined out of 7 charge-sheet witnesses. The last having been examined on 21.07.2014.

However, learned counsel appearing on behalf of the Union of India vehemently opposes the prayer for bail stating therein that the petitioner was caught red-handed with huge quantity of contraband item. The contents of which has been affirmed by the Chemical Examiner.

Considering the facts and circumstances and the materials on record and that the trial has not made much headway as well as the fact that petitioner does not bear any criminal antecedent, as stated in paragraph 3 of this application, 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 A.D.J.-X, Patna, in connection with Special Case No. 48 of 2011, arising out of FIR No. NCB/PZU/V/01/2011/857, 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)

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