

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51454 of 2019

Arising Out of PS. Case No.-91 Year-2018 Thana- SONPUR RAIL P.S. District- Saran

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SHAMBHU PRASAD @ SHAMBHU PRASAD SINGH GENDER MALE,
AGED ABOUT 48 YEARS SON OF LATE YADUNANDAN SINGH @
LATE YADUNANDAN RAY, R/O VILLAGE GOPALPUR CHAKNAI, PS
BIDUPUR, DISTRICT VAISHALI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar No.1
For the Opposite Party/s : Mr.Anil Kumar

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 21-08-2019 Heard learned counsel for the parties.

Petitioner who is in custody seeks bail **NDPS Case**
NO. 14 of 2018 arising out of Sonepur Rail P.S. Case No. 91
of 2018 registered for the offence punishable under Sections
8/20/22 of the NDPS Act.

Earlier the bail of the petitioner was rejected vide order
dated 31.10.2018 passed in Criminal Miscellaneous No. 61148
of 2018 with liberty to renew his prayer for bail after
completing one year of Jail custody.

Allegation is of recovery 14 Kg of Ganja from the bag
of the petitioner.



It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. It has been further submitted that the mandatory provisions of NDPS Act has not been followed. The seizure list was not prepared in the presence of the petitioner rather his signature was taken on plain paper after arresting him. Similarly, situated co-accused person has been granted bail by a co-ordinate bench of this Court vide order dated 02.07.2019 passed in Criminal Miscellaneous No. 40850 of 2019. Petitioner has got no criminal antecedent and is in custody since 27.07.2018.

Considering the aforesaid facts and circumstances of the case and considering the period of custody, 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 **NDPS Case NO. 14 of 2018 arising out of Sonapur Rail P.S. Case No. 91 of 2018**, 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/her absence on two consecutive dates without



sufficient reason, his/her 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). If the petitioner is found involved in similar nature of offence, after his/her release on bail, the trial court shall take steps to cancel his/her bail bond.

(S. Kumar, J)

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