

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80360 of 2019

Arising Out of PS. Case No.-71 Year-2019 Thana- BARGAINIA District- Sitamarhi

LALBABU BAITHA, aged about 36 years, Male, Son of Ramayan Baitha,
Resident of Village - Balawaghat, P.S.- Piprahi, Distt - Sheohar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Uday Kumar, Advocate.

For the Opposite Party : Mr.Bal Mukund Prasad Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-12-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case for the offence
registered under Sections 8/20 (B) II of the N.D.P.S. Act and
30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that on secret
information on 28.03.2019, the informant alongwith S.S.B.
Jawans were at Indo Nepal Border near Piller No. 342/05 and at
about 8.15 A.M., he saw that two persons were coming on
Motorcycle from Nepal side to India. He stopped the said
Motorcycle and found smell of wine coming from their mouth.
On search of his Motorcycle bearing Registration No. BR-06-
BB-5462, recovered Nepali Saufi wine 05 bottles, Ganja 10.300
Kg. Hero Glamour Motorcycle No. BE-06-BB-5462, Ganja and



wine was kept under the seat wrapped with a plastic. On query, both the miscreants disclosed their name as Bikram Kumar and Akhileendra Kumar. The informant arrested the miscreants and seized the said articles and Motorcycle and prepared seizure list and copy of the same was handed over to each of them.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 28.06.2019. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. 5 bottles wine and 10.300 Kg. Ganja are said to have been recovered from the Motorcycle on which co-accused Bikram Kumar and Akhileendra Kumar were found sitting. The name of the petitioner has come in the present case on the basis of confessional statement of co-accused Akhileendra Kumar. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act in the present case. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing



bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J. IInd-cum-Special Judge, Excise Act, Sitamarhi, in connection with Bairgania P.S. Case No. 71/19.

(Sudhir Singh, J)

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