

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75876 of 2018

Arising Out of PS. Case No.-228 Year-2018 Thana- JOGBANI District- Araria

Chandan Kuamr Sah, S/o Umesh Praad Sah Resident of Indranagar Ward
No.10,P.S. Jogbani,Distt.-Araria ... Petitioner

Versus

The State Of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Abhijeet Gautam, Adv.
For the Opposite Party : Mr. Chandra Bhushan Prasad, APP 92

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 18-01-2019 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

The petitioner is languishing in judicial custody since 21.08.2018 in connection with Special Case No. 21 of 2018 arising out of Jogbani P.S. Case No. 228 of 2018 for the offences alleged under Sections 21 and 22 of the Narcotic Drugs and Psychotropic Substances Act and Sections 27(b) and 28 read with 36 of the Drugs and Cosmetics Act.

The prosecution case, as lodged by the Assistant Commandant of the Sashastra Seema Bal, is that on secret information that some drugs are stored in the house of one Md. Shukla Ansari, the police, along with team, conducted a raid in the house and found seven persons in the house, including the petitioner. From the house, huge quantity of therapeutic and anesthetic medicines were found without any paper as well as some Nepali currency. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent and nothing has been recovered



from the possession or the possession or from the house of the petitioner. He, further, submits that charge sheet has already been submitted, there being no allegation of tampering with the prosecution witnesses. He, further, submits that he is not the proprietor or partner in any business of co-accused, Md. Shukla Ansari, and has falsely been implicated. Learned counsel for the petitioner also submits that on similar allegation, co-accused, Md. Chhotu Ansari and Zohra Khatoon, wife of Md. Shukla Ansari have been granted the privilege of bail by coordinate Benches of this Court in Cr. Misc. No. 75101 of 2018, dated 17.12.2018, Cr. Misc. No. 70794 of 2018, dated 10.12.2018 respectively.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioner was a carrier and use to supply the drugs from another person at the instance of co-accused, Md. Shukla Ansari, and has confessed his guilt before the police, which, the learned counsel for the petitioner submits that the extra judicial confessional statement of the petitioner before the police has no evidentiary value in the eye of law.

Considering the facts and circumstances and the materials on record, 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 in connection with Special Case No. 21 of 2018 arising out of Jogbani P.S. Case No. 228 of 2018 to the satisfaction of the learned Sessions Judge, Araria, subject to the following conditions :

(i) One of the ailers should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and his absence on two consecutive dates without proper and sufficient reason, the trial Court will be at liberty to cancel his bail bonds.

(iii) 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.

(Nilu Agrawal, J)

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