

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9571 of 2020

Arising Out of PS. Case No.-158 Year-2001 Thana- GOVINDGANJ District- East
Champanan

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1. Krishna Tiwari, aged about 75 years, Male, Son of late Shivpujan Tiwari
 2. Madan Tiwari, aged about 73 years, Male, Son of late Janakdeo Tiwari, both
resident of Village - Saraiya, P.S.- Govindganj, Distt - East Champanan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No. 2, Advocate
For the State : Mr.Dilip Kumar No.1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-06-2020 Heard the parties through the virtual court proceeding.

The petitioners apprehend their arrest in connection with D.D.P.S. Case No. 75 of 2001 arising out of Govindganj P.S. Case No.158 of 2001 registered for the offences punishable under Sections 18 and 20 of the N.D.P.S. Act.

The prosecution story in short is that the informant has given written application to C.J.M., Motihari, East Champanan and alleging therein that on 08.12.2001 time between 11.45 A.M. to 12.20 P.M., he has made raid of these accused persons and recovered 10 and 15 kg Ganja from their house respectively. It is further stated that the accused persons were not present at the house but informant came to know these petitioners are indulge illegal business of Ganja. It is further



stated that they have purchased Ganja from the Nepal and sold in Gopalganj. It is further stated that in presence of independent witnesses searched has made and recovered Ganja from their house.

Learned counsel for the petitioners submits that the petitioners are innocent and they have falsely been implicated in this case. The informant has filed this false case on instruction of petitioners enemy and save their skin. The informant has filed these cases on the basis of falso and concocted facts. The investigation has made and found that there is no involvement of these petitioners. The police has filed final form in this case (Annexure-2 of the bail petition). He further submits that the case is itself falsified by statement. The petitioners were not present at their house. It is admitted facts of informant. After investigation, the police filed final form in this case. After many years, the learned court below has taken cognizance on 02.03.2016 but the petitioners have never received any summon or any warrant from the court below. They have no knowledge about development in the case. When the police has come in absence of their house, then they have come to know about the case. The petitioners have got no any criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for



bail of the petitioners.

In the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each only with two sureties of the like amount each to the satisfaction of 7th Additional District and Sessions Judge, East Champaran at Motihari in connection with N.D.P.S. Case No.75 of 2001 arising out of Govindganj P.S. Case No. 158 of 2001, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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