

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7267 of 2020

Arising Out of PS. Case No.-219 Year-2019 Thana- RAHUI District- Nalanda

AWADHESH ROY @ AWADHESH RAY Son of Shyam Roy @ Shyam
Nandan Roy Resident of Village - Dhaukal Ray Ke Nichla Tola, P.S.-
Athmalgola, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Shankar Pathak
For the Opposite Party/s : Mr.Shyam Kumar Singh

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 27-02-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is in custody since 12.06.2019 in
connection with Rahui (Wena) P.S. Case No.219/2019
registered for the offence punishable under Sections 8/20(b)(ii)
(c)/25/29 of the NDPS Act.

A supplementary affidavit has been filed in this case
indicating that the charge has now been framed in this case.

Learned counsel for the petitioner submits that the
petitioner is the owner of the truck from which a huge sachets of
Ganja is said to have been recovered by the Police. The
petitioner seeks to renew his prayer for bail which was earlier
rejected vide order dated 4.11.2019.



In view of the fact that the petitioner is the truck owner which is alleged to have been carrying huge quantity of Ganja weighing 389.60 Kg, learned counsel for the petitioner has now pointed out that the petitioner is the truck owner and had nothing to do with the *Ganja* which had been loaded thereon which is itself evident from a perusal of the last page of the FIR. It is further submitted that the apprehended truck driver has categorically stated before the police that a distant relative (Mamu) of the truck owner had engaged him for carrying the material and had promised to pay him a sum of Rs.500/- per Kg. for bringing the same. Learned counsel for the petitioner however submits that there is no material either in the FIR or any further that the petitioner was in any way involved in the carriage of the said articles in the truck owned by the petitioner. Learned counsel for the petitioner further submits that now the charge has been framed and the petitioner undertakes to be present as and when required before the Court at the time of the trial so that the same is not in hindered any manner.

Considering the aforementioned submissions and that the petitioner has been in custody for over nine months, 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 learned Special Judge-cum-Sessions Judge, Nalanda, Bihar Sharif in connection with Rahui (Wena) P.S. Case No.219/2019, subject to the following conditions:-

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

Saif/Prakash N.

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