

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13887 of 2020

Arising Out of PS. Case No.-62 Year-2018 Thana- INARWA District- West Champaran

GUDAR MAHTO @ BRIJ KISHORE KUSHWAHA S/o Ramashish Mahto
R/o village- Khamiya, P.S.- Inarwa, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 25-08-2020

The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.

Heard learned counsel for the petitioner and learned counsel for the State.

Petitioner, who is in custody, seeks bail in a case registered for the offence punishable under Sections 20, 21, 22 and 23 of N.D.P.S. Act.

Petitioner had earlier moved this Court for regular bail vide Cr. Misc. No. 49040 of 2019 which was rejected on 30.09.2019 with liberty to petitioner to renew his prayer for bail after nine months of custody in jail.

Informant is the police officer, who has alleged in his self statement that on 17.11.2018 he received confidential



information that a consignment of Ganja is to come near community hall and on receiving said information, he reached the place when about 11.15 AM two persons were found carrying two sacks and kept it behind the wall of community hall, upon seeing police, they tried to flee away but they were nabbed after chase and both the accused were caught with five plastic sacks and both disclosed their names as Gudar Mahto and Sunil Kumar and were taken in custody who were father and son and the Narcotic kept in the sack was seized.

It has been submitted on behalf of petitioner that he is innocent and has been falsely implicated in this case. They are villagers. In the FIR allegation against both accused was carrying four bags, however, recovery has been shown of the five bags and each bag was containing 15 Kgs of Ganja. There has been violation of mandatory provision of N.D.P.S. Act and nothing has been recovered from his conscious possession, although petitioner has criminal antecedent and in all cases he is on bail but he is not accused in any other N.D.P.S. case. Petitioner is in custody since 18.11.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two



sureties of the like amount each to the satisfaction of learned court below, in connection with Inarwa P.S. Case No. 62 of 2018 subject to the conditions that:-

(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 his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(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.

(S. Kumar, J)

veena/-

U		T	
---	--	---	--

