

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18155 of 2020

Arising Out of PS. Case No.-325 Year-2019 Thana- BAIRIYA District- West Champaran

Mantu Sah Son of Late Mangal Sah Resident of Village - Balua Rampurwa,
P.S.- Bairiya, Distt.- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Umesh Chandra Verma Adv.
For the Opposite Party : Mr.Choubey Jawahar APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 04-06-2020 The matter has been listed today for consideration
through Video Conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner as well as learned
APP for the State.

The petitioner seeks bail in Bairiya P. S. case No. 325 of
2019 instituted for the offence under Sections
20,22,23,24,25,27-A and 29 of the Narcotic Drugs and
Psychotropic Substances Act,1985.

The informant, on secret information that petitioner
along with others who are perpetrators of earlier theft in an



ATM were present at a house, has proceeded to raid the house in Chanpatiya and Shikarpur. At Tumkariya Chowk police party surrounded the house from where it is alleged that that petitioner and one co-accused Ashok Sah have been apprehended. The case of the prosecution is that one country made loaded pistol, cash of Rs. 3,49,500/-, one stolen mobile and one kg *Charas* in two packets of 500 gram each has been recovered from the house of co-accused Ashok Sah.

The petitioner's counsel submits that even as per the prosecution case the recovery of incriminating articles have been made from the house of co-accused Ashok Sah. The petitioner has falsely been implicated in the instant case. Though there is one more case pending against him being Bairiya P.S. case no. 324 of 2019, it is submitted that in the instant case he has falsely been implicated. The recovery of *Charas* was also from the house of co-accused Ashok Sah.

The learned counsel for the State opposed the prayer for bail by submitting that one kg of *Charas* has been seized from the house of co-accused Asohk Sah.

Considering the rival submissions and the fact that petitioner is in custody since 03.10.2019, this Court is inclined to allow the petitioner's prayer for bail.



Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the **Sessions Judge, West Champaran at Bettiah**, in connection with **Bairiya P. S. case No. 325 of 2019**, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

shyambihari/-

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

