

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86301 of 2019

Arising Out of PS. Case No.-189 Year-2019 Thana- LADANIA District- Madhubani

1. JAY RAM NAYAK Son of Bijnath Nayak @ Baij Nath Nayak Resident of Village - Lahan, PS Lahan District- Sirha (Nepal)
2. Upendra Ram Son of Ramdhani Ram Resident of Village - Lahan, PS Lahan, District- Sirha (Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha

For the Opposite Party/s : Mr.Bharat Bhushan(App156)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 17-01-2020 Heard learned counsel for the parties.

Petitioners who are in custody seeks bail in a case registered for the offence punishable under Section 414 of the Indian Penal Code, Section 27B(ii), 28 of Drugs and Cosmetic Act, 1940 and 7/11/46/47 of Custom Act and Section 21 of NDPS Act.

Allegation against the petitioners is that he along with others were apprehended by the police while going to Nepal and 59 intoxicated injections were recovered.

Learned counsel for the petitioners submits that the petitioners have got no criminal antecedent and are in custody since 13.11.2019. Similarly, situated co-accused person has been



granted bail by a co-ordinate bench of this Court vide order dated 11.12.2019 in Criminal Miscellaneous No. 81472 of 2019.

Considering the fact that the petitioners have got no criminal antecedent and also the fact that the petitioners were apprehended while going to Nepal, let the petitioners named above be released on bail upon furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Ladaniya P.S. Case No. 189 of 2019**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the court below.

(3) If the petitioners tamper 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 petitioners.

(S. Kumar, J)

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