

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13437 of 2021**

Arising Out of PS. Case No.-222 Year-2020 Thana- CHAINPUR District- Kaimur (Bhabua)

Shakil Khan S/O Late Wakil Khan, R/O Village Biur, P.S.-CHIANPUR,
District-Kaimur at Bhabua. At Present address Bhabua Ward No.22, P.S.-
BHABUA, District-Kaimur at Bhabua.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey, Adv.
For the Opposite Party/s : Mr.Narendra Kr. Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 28-09-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 8/20(b) (ii)(c)/27(A) of the
N.D.P.S. Act.

As alleged, spotting a motorcycle followed with a car
running speedily the police signaled the car to stop but the Car
speeded away and on chased the occupants of the Car fled away
abandoning the Car. On search the seized vehicle and found six
bags of Ganja with total 208 Kg. in weight have been recovered
from the Car.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. He submits that there is no identification of this petitioner
at the time of fleeing away, he is not named in the FIR. On the



confessional statement of co-accused, namely Vikash Kumar, petitioner has been made accused in this case. There is no recovery of contraband articles from the conscious possession of the petitioner.

Learned counsel for the petitioner further submits that the seized vehicle does not belong to the petitioner. The petitioner is languishing in judicial custody since 31.07.2020. The petitioner has got one criminal antecedent which is mentioned in para 3 of the bail petition. Charge sheet has been submitted in this case. The similarly situated co-accused has been granted bail by a co-ordinate Bench of this Court vide order dated 26.08.2021 passed in Cr. Misc. No.13001/2021.

Learned APP for the State vehemently opposed the prayer for bail application.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in connection with N.D.P.S. Case No. 21/2020 arising out of Chainpur P.S. Case No. 222/2020 to the satisfaction of learned Court below where the case is pending/ successor Court; subject to the following conditions:



(1) that one of the bailors will be a close relative of the petitioner, who will be given an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(3) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bond will be liable to be cancelled.

(4) that 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.

(Anjani Kumar Sharan, J)

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