

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 38080 of 2022

Arising Out of PS. Case No.-73 Year-2022 Thana- AMBA District- Aurangabad

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Raushan Kumar S/O Lalan Singh Resident of Village- Barewan, P.S.-
Shivsagar, District- Rohtas (Bihar), Pin- 821113

... .. Petitioner/s

Versus

The Union Of India Through Narcotics Control Bureau, Patna (Bihar)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajendra Narayan, Sr. Adv.
	:	Mr. Ajay Kr. Sinha, Adv.
For the Opposite Party/s	:	Ms. Shail Kumar, C.G.C.
For the State	:	Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 22-11-2022 Let the defect(s), if any, be removed within two
weeks from today.

Heard learned counsel for the petitioner, learned
counsel for the Union and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Amba P.S. Case No. 73 of 2022 lodged under section 8/20 (b)
(ii) C/25/29 of the N.D.P.S. Act.

As per the prosecution case, the informant is S.H.O.
of Amba P.S. Upon secret information that huge quantity of
ganja is coming from Hariharganj to Aurangabad, a search was
conducted near Erka check post. It has been alleged that 2
vehicles, one is Swift car and another one is Ford Figo, stopped.
It has been alleged that from the Ford Figo car bearing Odisha
number plate, 29 packets which is equivalent to 138.750 kg
ganja was recovered, whereas, from the Swift Desire car
bearing registration no. BR24AA/8055, which was driven by the

present petitioner, only 2 mobile phones were recovered, as it transpires from the seizure list.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 01.04.2022 having clean antecedent. Charge sheet has already been filed in this case. He also submits that driver of the Maruti Swift Desire car bearing registration no. BR24AA/8055, on which nothing incriminating nor N.D.P.S. material was recovered. It has been stated that the said car, which was driven by the present petitioner functioning as liner.

Learned counsel for the Union and learned counsel for the State opposes the prayer for bail and submits that, it is true that no N.D.P.S. material was recovered from the car, which was driven by the present petitioner but allegation of doing act in furtherance of common intention is there.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge-cum-Special Judge, N.D.P.S., Aurangabaad in Amba P.S.

Case No. 73 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stand allowed.

(Dr. Anshuman, J.)

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