

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54494 of 2022

Arising Out of PS. Case No.-224 Year-2021 Thana- RAXAUL District- East Champaran

KESHOW Son of Baleshwar Patel @ Baleshwar Raut R/V- Islampur, P.S-
Raxaul, Dist- East Champaran at Motihari

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Union of India New Delhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioner and Mr. Jitendra Kumar Singh, learned APP for the State through video conferencing in view of the COVID 19.

Let the defect(s), if any, as pointed out by the office be removed within four weeks.

The petitioner is an accused in connection with NDPS Case No. 54/2021 arising out of Raxaul P.S. Case No. 224 of 2021 for the offence registered under Sections 20 (b) (ii) (c), 23 (c) of the NDPS Act.

As per the prosecution story, the police upon secret information stopped the motorcycle and although one of them tried to escape, the other person was caught and 10 Kg of ‘charas’ was recovered from his possession. It was Samir



Sheikh, who gave the name of the escaped person as Kauhar Ali. The arrested person further stated that Keshow, the petitioner herein called him from his house and took him to Kauhar Ali.

Learned counsel for the petitioner submits that as would reflect from the FIR itself, while Samir Sheikh was the person from whom 10 Kg of 'charas' was recovered, the person who was riding the motorcycle was Kauhar Ali. Nothing has been recovered from his possession and only because of the statement of the arrested person that this petitioner had taken him to Kauhar Ali, he has been made accused and taken into custody and is in jail since 21.06.2021 (as stated in paragraph-9) of the bail application).

Learned APP opposes the bail application.

Considering the fact that the recovery of 10 Kg 'charas' is attributed to Samir Sheikh, he is in custody since 21.06.2021 and as per paragraph-3 of the bail application, he do not have criminal antecedent as also that charge sheet stands submitted, this Court is inclined to grant him privilege of bail.

If however, it is found that the statement made in paragraph-3 of the bail application is incorrect/false, the bail application shall become infructuous.



Let the petitioner be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties of like amount each to the satisfaction of 1st Additional Sessions Cum Special Judge, East Champaran at Motihari in connection with NDPS Case NO. 54 of 2021 arising out of Raxual P.S. Case No. 224 of 2021, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any



criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

Jagdish/Neha-

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

