

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30757 of 2023

Arising Out of PS. Case No.-34 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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GOLU MADESIYA @ GOLU MADDHESIYA s/o LALLAN
MADDHESIYA Resident of Village- Nebuaa, Naurangia, Police Station-
Pipra Bazar, District- Kushinagar (Uttar Pradesh) Petitioner/s
Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar, Advocate
For the Opposite Party/s : Mr.Choubey Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 22-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection
with Nawada Excise P.S. Case No. 34 of 2023 registered under
Sections 8/20 (ii) (b) of the NDPS Act Code lodged on
12.01.2023 by the informant, Nagesh Kumar.

As per the prosecution story, the allegation is that at
Excise Integrated Check Post, Rajouli, Nawada, the police
personnel intercepted a bus and found three bags containing 24
K.G. 'ganja'. The Conductor pointed towards finger towards
Golu Madesiya and Angad Nishad (petitioner). Accordingly, the
FIR.

It is the case of the petitioner that it was not in their
conscious possession, kept in the bus and only because the
Conductor pointed finger towards them. They have been made



accuseds and he has suffered by being in custody since 13.01.2023 (as stated in paragraph-12 of the petition). It is further submitted that even taking into account the fact that the recovery/seizure is of 24 K.G. each which is below commercial quantity two accused persons have been alleged to be carrying the same, it will come to 12 K.G. His categorical submission is that the same does not belong to him.

Learned APP for the State opposes the prayer for bail stating that the recovery is of 24 K.G. though the Excise Officer have attributed it to two persons and the commercial limit is 20 K.G.

Taking into account the aforesaid submissions as the fact that the recovery/seizure is not from the conscious possession of the petitioner herein, he do not have criminal antecedent and is in custody since 13.01.2023 (as stated in paragraph-12 of the petition), this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned District and Sessions Judge, Nawada in connection with Nawada Excise P.S. Case No. 34 of 2023, 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.

(Rajiv Roy, J)

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