

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64648 of 2022

Arising Out of PS. Case No.-208 Year-2021 Thana- ADAPUR District- East Champaran

IDRISH DEWAN Son of Late Amin Dewan Resident of Village- Latihanawa,
P.S.- Ada Pur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-04-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is in judicial custody in connection
with N.D.P.S. Case No.107 of 2021 arising out of Adapur P.S.
Case No.208 of 2021 instituted under Section 8/20 (b)(ii)(c) of
the N.D.P.S. Act.

The prosecution story read as follows:

(i) the allegations is that on 23-07-2021 at about 19.20
hrs. one Ansal Shrivastava, Assistant Commandant received
information that near Latihanwa village, some smugglers will
cross with illegal narcotic article;

ii) upon the said information, a team was constituted



along with the informant and they proceeded towards Latihanawa Village;

iii) at about 21.15, the informant saw some smuggler carrying bag on their back coming on the sight of police, the accuseds to escape after throwing the bags. The informant party arrested one person with articles who disclosed his name Harendra Yadav;

(iv) upon search, from Harendra Yadav 6.3 Kg. 'Ganga' was recovered/seized whereas altogether 11 packets totalling 75 Kg. 'Ganja' was recovered;

(v) the arrested person disclosed that the recovered article is of Hari Kishore Rai and Chandrika Rai. Accordingly, the F.I.R.

Learned counsel for the petitioner submits that as per the police case on seeing the police party, the accused persons fled away leaving the bags. Further, upon chase, one Harendra was nabbed and while from the bags total recovery was 75 Kg. of 'Ganja', that from the bag of Harendra Yadav, 6.3 Kg. was recovered.

Learned counsel submits that subsequently, Harendra Yadav in his confessional statement named the other accused persons which included the petitioner herein and accordingly he



came into judicial custody on 07-08-2022 (as stated in paragraph-11 of the petition). It is his further submission that the accused Harendra Yadav who was nabbed from the spot has since been released on bail vide Criminal Miscellaneous No.18471 of 2022 on 16-08-2022 (Annexure-2 to the petition).

Learned APP opposes the prayer for bail but concedes that the person who was nabbed at the spot has since been released on bail.

Taking into account the aforesaid fact as also that he do not have criminal antecedent, his name has come in the confessional statement of Harendra Yadav who has since been released on bail, was not arrested from spot nor anything recovered, this Court is inclined to extend him the same relief.

Let the petitioner be released on bail on furnishing bail bond of Rs.50,000/-(Rupees Fifty Thousand) with two sureties of the like amount each in connection with N.D.P.S. Case No.107 of 2021 arising out of Adapur P.S. Case No.208 of 2021 to the satisfaction of learned Sessions Judge/Special Judge, East Champaran, Motihari, subject to 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 bail bond by the Trial court itself;

(iii) upon return to his district, he shall visit the concerned police station every fortnight for the next six months to mark attendance;

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

(v) 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 the bail bonds;

(vi) 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)

Prakash Narayan /-

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