

Arising Out of PS. Case No.-349 Year-2018 Thana- BARACHATTI District- Gaya

Versus

Appearance :

For the Opposite Party/s : **Mr. Rajesh Kumar, APP**

ORAL ORDER

4. The prosecution case, in short, is that, 40 Kg of Doda and 400 Grams of liquid *affim* has been recovered from one truck and the petitioner has been apprehended as driver-cum-owner of the truck.



5. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has already been filed in the present case. The petitioner is languishing in judicial custody since 27.05.2018 and has got no criminal antecedent as has been stated in paragraph no. 3 of the present bail application. Placing reliance on a case of the Hon'ble Supreme Court since reported in **(1994) 6 SCC 731 (S.C. Legal Aid Committee Representing Undertrial Prisoners vs. Union of India)**, learned counsel for the petitioner has submitted that the petitioner has been in custody for more than five years and as such he may be granted the privilege of bail.

6. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner in terms of the judgment of Hon'ble Apex Court, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on



furnishing bail bonds of Rs. 1,00,000/- (Rupees one lac) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Barachatti P.S. case No. 349 of 2018, N.D.P.S. Case No. 06 of 2018 subject to the following conditions:

(I) The petitioner shall deposit his passport with the learned Judge of the Special Court concerned and if he does not hold a passport he shall file an affidavit to that effect in the form that may be prescribed by the learned Special Judge. In the latter case the learned Special Judge will, if he has reason to doubt the accuracy of the statement, write to the Passport Officer concerned to verify the statement and the Passport Officer shall verify his record and send a reply within three weeks. If he fails to reply within the said time, the learned Special Judge will be entitled to act on the statement of the petitioner.

(II) The petitioner shall on being released on bail present himself at the police station which has prosecuted him at least once in a week, unless



leave of absence is obtained in advance from the
Special Judge concerned.

(III) The petitioner shall not leave the
area in relation to which the Special Court is
constituted except with the permission of the
learned Special Judge.

(IV) The Special Judge will be at liberty
to cancel bail if any of the above conditions are
violated or a case for cancellation of bail is
otherwise made out.

(Rudra Prakash Mishra, J)

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