

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46784 of 2024

Arising Out of PS. Case No.-77 Year-2024 Thana- HARSIDHI District- East Champaran

Premilal @Premlal Prasad @Premlal Sah @Premilal Prasad S/O Ganga Sah
R/O Village Harsidhi, ward no.4 , P.S. harsidhi, Distt-East Champaran,
Motihari

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uma Shankar Verma, Sr. Advocate
Mrs. Kumari Anjali, Advocate
For the Opposite Party/s : Mr. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-07-2024 Heard learned Advocate for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Harsidhi P.S. Case No. 77 of 2024 registered
for the offence punishable under Sections 20(B)(ii)(c), 22(c) of
the N.D.P.S. Act.

3. The police on a tip of involvement of the petitioner
in the trade of contraband/illicit liquor conducted raid. However,
seeing the police party, some of the persons succeeded in fleeing
away and the petitioner and one another accused person
apprehended. On search from the dicky of the motorcycle of
Ajay Manjhi, one Kg. Charas like substance was recovered
whereas from the house of the petitioner 150 litres of spirit was



recovered. The apprehended person disclosed the name of the other person.

4. Learned Advocate for the petitioner contended that from the narratives of the F.I.R. it would be evident that the alleged recovery of charas like substance was made from the dicky of the motorcycle of the co-accused and the petitioner has nothing to do with that. So far the recovery of the spirit from the house of the petitioner is concerned, it is an implanting one is the contention of the petitioner. Referring to the F.I.R., learned Advocate for the petitioner further contended that there is no compliance of sections 42 and 50 of the NDPS Act inasmuch as the witnesses are police chaukidar apart from various infirmities in the search and seizure from the materials available on record; no case much less under any of the provision of NDPS is made out against the petitioner is the contention of the learned Advocate for the petitioner. It is lastly contended that the petitioner is a man of fair antecedent and is in custody since 19.02.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner along with one co-accused Ajay Manhi were apprehended and from their possession huge contraband/illicit



spirits were recovered.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery of charas has been made from the exclusive possession of the co-accused so far the petitioner is concerned, there is recovery of spirit for which the petitioner is already in custody since 19.02.2024, and the investigation of the trial is complete and the charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Civil Court, East Champaran at Motihari, Bihar in connection with Harsidhi P.S. Case No. 77 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

Ranjeet/-

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

