

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18840 of 2014

Arising Out of PS.Case No. -288 Year- 2012 Thana -RAXAUL District-
EASTCHAMPARAN(MOTIHARI)

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Ganaur Mahto Son of Late Musahar Mahto Resident of Village and Police
Station - Kundwan Chainpur, District - East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 08-04-2015 Heard learned counsel for the parties.

The prayer for bail of the petitioner facing prosecution for the offences punishable under Sections- 20, 22, 23 and 24 of the N.D.P.S. Act, was earlier rejected by this Court by order dated 09.10.2013 passed in Criminal Miscellaneous No. 16810 of 2013.

The prayer for bail of the petitioner has now been renewed on the ground that not only the petitioner has remained in custody for a period of two and a half years but all other co-accused persons facing similar allegation have been granted bail. Namely, Rajendra Mahato, Naresh Mahato and Krimchand Mahato have been released on bail by two different orders of this Court



dated 21.01.2014 and 12.03.2014 in Criminal Miscellaneous No. 2769 of 2014 and Criminal Miscellaneous No. 34024 of 2013. It has also been stated that the petitioner has got no criminal antecedent, the fact which could not be stated by the petitioner in the earlier bail application.

Considering all these facts and specially the allegation against the petitioner is one and same as against four other co-accused persons, who have been granted bail by this Court, the prayer for regular bail of the petitioner, namely **Ganaur Mahato** is also allowed and he is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of 8th **Additional District & Sessions Judge, East Champaran at Motihari** in connection with **N.D.P.S Case No. 135 of 2012(Arising out of Raxaul Haraiya P.S. Case No. 288 of 2012)**, subject to the following conditions:-



(i) That both the bailors will be close relative of the petitioner who will give an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the bailors shall also state on affidavit that they will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iii) That the petitioner will give an undertaking that he will receive the police papers on the given date and be present on the date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

(iv) That the petitioner will be well represented on each and every date of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

Let the report of the Forensic Science Laboratory, Patna be sent to the trial Court for its use in the trial which must be expedited.

(Mihir Kumar Jha, J)

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