

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43145 of 2015

Arising Out of PS.Case No. -90 Year- 2012 Thana -GOPALPUR District-
WESTCHAMPARAN(BETTIAH)

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Manoj Sah Son of Kailash Sah, resident of Village- Gad Gamhariya, P.S.-
Kangali, District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy (APP)

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

NO 3 30-09-2015

Heard the parties.

The petitioner is in custody in a case arising from Gopalpur P.S. Case No. 90 of 2012 (Trial No. 14 of 2013) for offence punishable under Sections 414 of the Indian Penal Code and Sections 20, 22, 23, 24, 27A and 29 of the Narcotic Drugs and Psychotropic Substances Act.

It is upon recovery of 50 kgs. of Ganja packed in five bags that the petitioner was apprehended. The prayer for bail of the petitioner has earlier been rejected vide order passed on 01.10.2013 in Criminal Misc. No. 24848 of 2013 and vide order passed on 7.5.2014 in Criminal Misc. No. 20000 of 2014. The trial court by the previous order was directed to expedite the trial and it is complaining of laches on the part of the prosecution to present the witnesses as well as in reference to the custodial period that the prayer has been renewed.

A report was called for from the trial court and which confirms the predicament of the petitioner by reporting that the

matter has got delayed due to laches of the prosecution in producing the witnesses.

Mr. Bimlesh Kumar Pandey, learned counsel for the petitioner submits that apart from this case the petitioner is involved in one more case arising from Kangli P.S. Case No. 26 of 2011 registered under Sections 323, 324 and 504/34 of the Indian Penal Code.

Having heard learned counsel for the parties and considering the circumstances so discussed above, the prayer is allowed. Let the petitioner Manoj Sah be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Additional District and Sessions Judge-III, Bettiah, West Champaran in connection with Trial No. 14 of 2013 arising out of Gopalpur P.S. Case No. 90 of 2012 subject to the conditions that he shall be personally present before the trial court on each and every date fixed in the case and the failure on the part of the petitioner to be personally present on two consecutive dates without suitable explanation to the satisfaction of the trial court would entitle the court below to cancel his bail bonds and to take him into custody.

(Jyoti Saran, J)

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