

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37 of 2015

Arising Out of PS.Case No. -196 Year- 2013 Thana -RAXAUL District-
EASTCHAMPARAN(MOTIHARI)

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Anwar Alam

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shyama Kant Singh

For the Opposite Party/s : Mr. Shailendra Kr. 2(App)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

8 07-10-2015

Heard counsel for the petitioner and the State.

Petitioner had earlier moved before this Court in Cr.Misc.No. 19668 of 2014 and this Court vide order dated 9th June 2014 had rejected his prayer for bail as Police had recovered 400 grams of smacks from his possession.

Counsel for the petitioner submits that there was no proper seizure and sealing of the material. After two months, the material was sealed before the Magistrate.

This Court is not examining the merit but looking to the period of custody i.e. since `15th July 2013, petitioner Anwar Alam is directed to be released on bail on his furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge cum-District and Sessions Judge, East Champaran at Motihari in connection with NDPS

Case No. 109 of 2013, arising out of Raxaul P.S. Case No. 196 of 2013, subject to the conditions:

(i) one of the bailors will be a close relative of the petitioner,

(ii) if the petitioner would be found involved in similar type of case in future, prosecution will be at liberty to file application for cancellation of bail and the court below will pass necessary order, including cancellation of bail bonds and

(iii) that the petitioner would co-operate and if the petitioner will fail to co-operate in the proceeding of the court and will remain absent for two consecutive dates without reasonable explanation, the court will pass appropriate order, including cancellation of bail bonds.

Office is directed to send the sealed FSL report to the appropriate authority under safe custody.

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(Shivaji Pandey, J)