

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22358 of 2015

Arising Out of PS.Case No. -166 Year- 2014 Thana -BARACHATTI District- GAYA

Prayag Prasad Son of Late Dasrath Mahto Resident of village - Dhamna,
Police Station - Barachatti, District - Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nikhilesh Kumar

For the Opposite Party/s : Mr. Md.Sufiyan (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

02/ 29-07-2015

Heard learned counsels for the petitioner and
the State.

The petitioner has renewed his prayer for bail
in a case registered for the offences punishable under Sections
20/22 of the NDPS Act.

From the possession of the petitioner 15 kgs.
Ganja were recovered.

It is submitted by learned counsel for the
petitioner that the recovery is between the small and commercial
quantity. Moreover, neither the person who seized the contraband
was authorized to make seizure nor the compliance of Sections 41
and 50 of the N.D.P.S. Act has been made. The sample has also
been transmitted to the F.S.L. after delay of three months and the

earlier bail application was rejected with observation for the present. Moreover, till date no witness has been examined.

Considering the quantity of recovery of contraband between small and commercial, the period under custody, the observation given the earlier order when the petitioner's bail was rejected and the statement in paragraph 3 of the petition that the petitioner has no criminal antecedent, let the above named petitioner, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Gaya in connection with Barachatti P.S. Case No. 166 of 2014.

The learned court below will be at liberty to cancel the bail bonds of the petitioner in two eventualities i.e. if he defaults for two consecutive occasions or substantially gets involved in some serious nature of offence.

(Dinesh Kumar Singh, J)

DKS/-

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