

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48411 of 2015

Arising Out of PS.Case No. -819 Year- 2015 Thana -AHIAPUR District- MUZAFFARPUR

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1. RAM LAKHAN SAH S/o Jagarnath Sah Resident of village- Dadar,
Kolhua Paigamberpur P.S.- Ahiyapur, District- Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K.

For the Opposite Party/s : Mr. Binod Kumar 3 (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 02-12-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Ahiyapur
P.S. Case No. 819 of 2015 registered for the offences punishable
under Sections 20, 22 of the N.D.P.S. Act.

Allegedly, 250 grams of Ganja was recovered from a
Gumti shop of the petitioner.

Submission is of false implication and that provision of
N.D.P.S. Act has not been complied with for making search and
seizure, nothing has been recovered from his conscious possession
and alleged recovery has been planted. The provision of Cr.P.C.
has also not been followed resulting the petitioner is suffering in
custody since 05.09.2015 and in this case chargesheet has already

been submitted and there is no chance of tampering with the prosecution evidence.

Learned APP opposes the prayer of bail.

In the facts and circumstances stated above and considering the alleged recovery which is a small quantity, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Muzaffarpur in connection with Ahiyapur P.S. Case No. 819 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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