

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35757 of 2015

Arising Out of PS.Case No. -18 Year- 2015 Thana -GARDANIBAGH District- PATNA

1. Abhishek Kumar @ Abhishekh Kumar Son of Baiju Kumar Singh, resident of Mohalla Anisabad, Gani Ghosh Lane, P.S. Gardanibagh, Distt.- Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Mishra

For the Opposite Party/s : Mr. Anusaiya Jaiswal(App)

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
ORAL ORDER

2 28-08-2015 This is an application, made under Section 439 of the Code of Criminal Procedure, seeking bail for the accused-petitioner, namely, Abhishek Kumar @Abhishekh Kumar, in connection with Gardanibagh Police Station Case No. 18 of 2015, under Sections 20/22 of the Narcotics Drugs and Psychotropic Substances Act, 1985.

Perused the above application and materials on record.

Heard Mr. Rajani Kant Mishra, learned Counsel for the petitioner, and Mr. Anusaiya Jaiswal, learned Additional Public Prosecutor, appearing on behalf of the State.

In view of the fact that according to the



allegations made against the petitioner, who was found in possession of 6 gms. of smack like substance, it becomes clear that there is no clear, cogent and/or positive material, so far uncovered, indicating that what have been alleged to be recovered from the possession of the petitioner was a narcotic drugs or psychotropic substance and coupled with the fact that the petitioner has been in custody since 20.01.2015 in connection with the case aforementioned and though *charge sheet* has been submitted, trial has not yet commenced and perusal of the materials available does not reveal such incriminating materials, which would warrant further detention of the accused-petitioner in custody, and in view of the fact that the perusal of the materials does not reveal that the accused-petitioner's liberty on bail would adversely affect the trial, it is, in the interest of justice, hereby directed that the accused above-named shall be released on bail of Rs. 10,000/- with two sureties, each of the like amount, subject to the satisfaction of the learned 6th Additional Sessions Judge (Special Judge), Patna, in connection with Gardanibagh Police Station Case No. 18 of 2015.

This direction for bail is further subject to the condition that the accused above-named shall not, directly or indirectly, make any inducement, threat or promise to

any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence and shall appear, in the learned Court below, as may be directed.

In terms of the above observations and directions, this bail application shall stand disposed of.

(I.A. Ansari, ACJ.)

Prabhakar
Anand/-

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