

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11231 of 2016

Arising Out of PS.Case No. -412 Year- 2006 Thana -BETTIAH TOWN District-
WESTCHAMPARAN(BETTIAH)

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Gorakh Thakur son of Late Rajendra Thakur Resident of Mohalla Prakash
Nagar, Naya Tola, Narkatiyaganj, P.S.- Shikarpur, District- West
Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Shivjee Singh, Advocate.

For the Opposite Party : Mr. Dr. Ravindra Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 30-03-2016

Heard learned counsel for the petitioner and the State.

The present application has been filed with a prayer for bail
in a case of misuse of privilege of bail. Initially the case was registered
under Sections 20, 22, 23 and 24 of the N.D.P.S. Act and Section 46 of
the Prisoners Act.

The present case is that when the petitioner was in judicial
custody 25 grams of ganja and mobiles were recovered from his
possession. A co-ordinate Bench of this Court granted bail to the
petitioner on 23.04.2007 vide order passed in Cr. Misc. No. 18184 of
2007, finding that the recovery was not made from possession of the
petitioner. It appears from the impugned order that from 11.06.2014,
the petitioner was not appearing as a result of which his bail bonds was
cancelled on 17.04.2015. Thereafter, he has been remanded from
Shikarpur P.S. Case No. 279 of 2015 on 20.11.2015.

It is submitted by the learned counsel for the petitioner that this is a case of misuse of privilege of bail of only five months. The petitioner is in custody since 20.11.2015. Though the petitioner is involved in number of cases but in all of them either acquitted or has been granted bail. A statement has been made to that effect in para-3 of the petition. It has further been submitted that since 2007 no witness has been examined in the matter.

Considering the fact that petitioner was granted bail on merit by a co-ordinate Bench of this Court and now he is languishing for a default of five months, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-III, Bettiah, West Champaran in connection with Tr. No. 15 of 2007, arising out of Bettiah Town (Manuapul) P.S. Case No. 412 of 2006.

Since the petitioner has serious criminal antecedent, the learned court below will be at liberty to cancel the bail bonds of the petitioner, if he defaults for two consecutive occasions or gets involved in some serious nature of offence.

(Dinesh Kumar Singh, J.)

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