

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15049 of 2016

Arising Out of PS.Case No. -116 Year- 2015 Thana -HAZIPUR INDUSTRIAL District-
VAISHALI(HAJIPUR)

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Agin Dayal Rai S/o Late Ram Ekbal Rai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha

For the Opposite Party/s : Mr. Rita Verma(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 06-04-2016

Heard learned counsels for the petitioner and the State.

The petitioner is languishing in custody since 03.11.2015 in a case registered for the offences punishable under sections 20, 22 of N.D.P.S. Act.

From the possession of the petitioner 32 grams of raw material for preparing smack were recovered.

It is submitted by learned counsel for the petitioner that from the FIR or seizure list it does not appear that actually the smack was recovered from the petitioner and even assuming the prosecution case the recovery is between small and commercial quantity. Though, the petitioner is accused in one other case under N.D.P.S. Act but he is on bail in the said case. The investigation has already been concluded and the petitioner undertakes to appear before the court below regularly.

Learned A.P.P. does not dispute the aforesaid facts.

Considering the fact that recovery of contraband is between the small and commercial quantity and investigation has already been concluded, let the above named petitioner 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 learned Additional Sessions Judge-I, Vaishali at Hajipur in connection with Industrial P.S. Case No. 116 of 2015.

The learned court below shall positively cancel the bail bonds of the petitioner in case the petitioner gets involved in similar offence or defaults without any reasonable cause on three consecutive occasions.

(Dinesh Kumar Singh, J)

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