

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22878 of 2016

Arising Out of PS.Case No. -70 Year- 2015 Thana -PALANWA District-
EASTCHAMPARAN(MOTIHARI)

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1. Jangali Mukhiya @ Jangali Mukhiya Bin Son of Late Thag Mukhiya Bin
@ Late Thag Mukhiya, Resident of Village: Gardaul, P.S: Pokharia,
District: Parsa (Nepal)

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Adya Singh

For the Opposite Party/s : Mr. Indu Bala Pandey (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 13-07-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with NDPS
Case No. 37 of 2015 arising out of Palanwa P.S. Case No. 70 of
2015 registered for the offences punishable under Sections 20(B),
22, 23 and 24 of the N.D.P.S. Act.

Allegedly 5 and ½ Kg. *ganja* was recovered from
possession of the petitioner.

Submission is of false implication and that petitioner
has got no criminal antecedent, the recovered article is much less
than the commercial quantity, in near future the trial is not likely
to be concluded and the petitioner is in custody since 16.07.2015,

there is no chance of tampering with the prosecution evidence, mandatory provision of NDPS Act has not been complied with and, as such, he deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of bail.

In the facts and circumstances stated above, the petitioner, above named, is now 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 IIIrd Additional District and Sessions Judge, Motihari (East-Champan) in NDPS Case No. 37 of 2015 arising out of Palanwa P.S. Case No. 70 of 2015, subject to the conditions that one of the bailors must be 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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