

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49606 of 2015

Arising Out of PS.Case No. -29 Year- 2015 Thana -RAXAUL District-
EASTCHAMPARAN(MOTIHARI)

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1. Madan Mahto son of late Jagdish Mahto Resident of Village- Bhelwa,
P.S chhouradano, District East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shakil Ahmad Khan

For the Opposite Party/s : Mr. Narsing Tanti(App)

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

4 02-03-2016

Heard the learned counsel for the petitioner as well as
the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences
punishable under sections 20, 22 and 23 of the N.D.P.S. Act.

Allegedly, during search operation the petitioner was
apprehended in suspicious condition and from his possession 2 kgs
900 grams charas was recovered.

Submission is of false implication and that in the
written statement it is alleged that in presence of two witnesses,
namely, Ramesh Pradhan and Dhiraj Kumar the search was made,
whereas, from perusal of the seizure list it reveals that the seizure
was made in the premises of the police station, Raxaul in presence
of witnesses Haider Ali and Rajendra Ram and further there is no
signature of the petitioner and without any Forensic Science
Laboratory report charge sheet has been submitted, the petitioner

has been falsely implicated in this case and is suffering in custody since 29.01.2015, the mandatory provision of the N.D.P.S. Act has not been followed in making search and seizure and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes prayer for bail, but is not in a position to state as to why in the seizure list, which is mentioned in paragraph-6 of the case diary, the witnesses are different from the written report.

In the facts and circumstances as stated above, the petitioner is directed to 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 District & Sessions Judge, Motihari, East Champaran in Raxaul P.S. Case No. 29 of 2015 arising out of N.D.P.S. Case No. 07 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.

Abhay/-

(Jitendra Mohan Sharma, J)

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