

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54271 of 2015

Arising Out of PS.Case No. -1 Year- 2014 Thana -TARABARI District- ARRARIA

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GULAB CHAND MANDAL @ GULAB CHAND SINGH S/o Jhabbi
Mandal Village- Khari tola, P.s Bardaha, District Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh

For the Opposite Party/s : Mr. S.D.Singh Yadav (App)

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

3 21-01-2016

Heard learned counsel for the petitioner and learned

A.P.P. representing the State.

The petitioner seeks bail in connection with Tarabari
P.S. Case No. 01 of 2014 registered for the offences punishable
under Sections 22, 23, 24 N.D.P.S. Act.

Allegedly seeing the raiding party, the person driving
the motorcycles fled away after leaving the two motorcycles and
one bag containing 12 packets weighing 40 kg. ganja. During
investigation it transpired that the petitioner is the owner of the
Hero Honda Passion Plus BR-50A-7335 and from paras 5 to 25 it
reveals that 12 packets of ganja weighing 40 kg. were recovered
from Bajaj Discover motorcycle and from para 28 it reveals that
the owner of the said motorcycle is Ramshankar Singh.

Submission is of false implication and that the
petitioner has been made victim of the circumstance, the petitioner
after parking his motorcycle beside the road in front of *Kirana*

Shop went to see his ailing brother-in-law but in the morning he came to know that the S.S.B. Personnel had lifted his motorcycle and handed over to the local police, no ganja was recovered from motorcycle of the petitioner, he is suffering in custody since 16.10.2015 and, as such, he deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of bail by submitting that the petitioner also fled away after leaving motorcycle.

In the facts and circumstances stated above, considering that from motorcycle of the petitioner nothing was recovered and, as such, the petitioner above named is 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 Sessions Judge, Araria arising out of Tarabari P.S. Case No. 01 of 2014 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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