

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22644 of 2015

Arising Out of PS.Case No. -349 Year- 2014 Thana -SAHPUR District- BHOJPUR

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1. Satyendra Mahto Son of Ayodhya Mahto resident of village and P.S. Shahpur, District - Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar

For the Opposite Party/s : Mr. Umanath Mishra(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 12-01-2016 Heard the learned counsel for the petitioner as well as the learned A.P.P.

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

Allegedly, on search from possession of the petitioner about three grams heroin was recovered, whereas, from possession of co-accused one gram heroin was recovered.

Submission is of false implication and that the petitioner is suffering in custody since 16.12.2014, charge sheet has already been submitted, the recovered quantity comes under the purview of small quantity under the N.D.P.S. Act and co-accused Jai Kumar Yadav @ Jail Yadav has already been allowed bail by another coordinate Bench of this Court and as such the

petitioner also deserves sympathetic consideration.

The learned A.P.P. fairly submits that the recovered heroin, i.e. three gram comes under the purview of small quantity.

In the facts and circumstances as stated above, considering that the recovered contraband is small quantity, the petitioner above named 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 3rd Additional Sessions Judge, Bhojpur at Ara in N.D.P.S. Case No. 13 of 2014 arising out of Shahpur P.S. Case No. 349 of 2014, 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.

(Jitendra Mohan Sharma, J)

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