

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57158 of 2015

Arising Out of PS.Case No. -42 Year- 2011 Thana -CHIRAIYA District-
EASTCHAMPARAN(MOTIHARI)

=====

1. Tulsi Rai son of Late Suraj Rai, Resident of village- Katkuia, P.S.-
Chiraiya, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh

For the Opposite Party/s : Mr. Ashraf Ansari(App)

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 30-03-2016 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 8(c), 20, 21, 22, 23 of the
N.D.P.S. Act.

The alleged recovery of 24 kg. ganja was made from
joint possession of the petitioner and co-accused, Ganesh Yadav.

Earlier the prayer for bail of the petitioner was
rejected twice by this court but submission on behalf of the
petitioner is that co-accused, Ganesh Yadav has already been
granted privilege of bail by a co-ordinate Bench of this court vide
order dated 07.10.2015 passed in Cr. Misc. No. 31678 of 2014

whereas petitioner is in jail custody since 04.03.2011 and there is no possibility of conclusion of trial of the petitioner in near future because up till now, only five prosecution witnesses could be examined and still six prosecution witnesses have been left to be examined.

No doubt, the alleged recovery is said to be more than commercial quantity but the said recovery was made from joint possession of petitioner and co-accused, Ganesh Yadav, who has already been granted privilege of bail by a co-ordinate Bench of this court and, therefore, to maintain the parity of justice, I think it proper to release the petitioner on bail.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also taking note of this fact that petitioner does not have any criminal antecedent, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of 7th Additional Sessions Judge, East Champaran, Motihari in connection with Chiraiya P.S. Case No. 42 of 2011 corresponding to N.D.P.S. Case No. 88 of 2011.

(Hemant Kumar Srivastava, J)

SHAHZAD/-

U		T	
---	--	---	--