

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40574 of 2016

Arising Out of PS.Case No. -411 Year- 2002 Thana -DIHRINAGAR District- SASARAM
(ROHTAS)

- =====
1. Manoj Kumar S/o- Late Bindul prasad
 2. Ashok Kumar Gupta @ Guddu S/o- Sudarshan prasad Gupta Both are resident of Mohalla-Devi Mandir Daltenganj,P.s-Daltenganj, District-Palamu(Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Sri Lakshmi Kant Sharma

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-09-2016

This is an application for bail in a case of misuse.

Initially the case was registered under Sections 8(C), 21 of the Narcotic Drugs and Psychotropic Substances Act.

The prosecution case is that seven persons were apprehended when from the possession of co-accused Sadique Ansari 4.250 grams of Heroin, from the possession of Suresh Yadav 4.300 grams of Heroin, from the possession of Surendra Yadav 3.100 grams of Heroin and from the possession of Gaffar Ansari 7.400 grams of Heroin were recovered. From the possession of petitioner No. 1 Manoj Kumar nothing was recovered and from the possession of petitioner No. 2 namely Ashok Kumar Gupta @ Guddu cash of Rs. 1750/- was recovered.

The petitioners were granted bail on 09.12.2002. The charges were framed in the year 2004 but petitioners' bail bonds were cancelled on 30.09.2010 and at present the petitioners are in custody since 21.07.2016.

It is submitted by learned counsel for the petitioners that petitioners appeared from 2002 to 2010 but in eight years nothing was done and thereafter they defaulted as they went to earn money for their livelihood. Moreover there is nothing on record to suggest that after arrest of the petitioners the trial has progressed any further. The petitioners are ready to appear regularly before learned Court below.

A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

Considering the aforesaid facts, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VIII, Rohtas at Sasaram in connection with Dehri P.S. Case No. 411 of 2002.

Learned Trial Court will be at liberty to cancel the bail bonds of the petitioners, if the petitioners default for three consecutive occasions.

(Dinesh Kumar Singh, J)

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