IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58608 of 2015

Arising Out of PS.Case No. -131 Year- 2015 Thana -VIJAYPUR District- GOPALGANJ

==========

1. Sahebzada @ Gabbar Son of Mainuddin Miya R/o Village Rampur Awasthi, P.S. Tarkulawa, District Deoria (U.P.)
2. Bhola Singh @ Ayush Son of Markandey Singh R/o Village Raman Chapra, P.S. Kotwali Deoria, District Deoria (U.P.) at present resident of Village Rande Vande Mathiya, P.S. Bijaipur, District Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

==========

Appearance :
For the Petitioner/s : Mr. Arbind Kumar Singh
For the Opposite Party/s : Mr. Parmanand Kumar(App)

==========

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 25-02-2016 Heard learned counsel for the petitioners and learned A.P.P. representing the State.

The petitioners seek bail in connection with Bijaipur, P.S. Case No. 131 of 2015 registered for the offences punishable under Sections 8, 20, 22 of the N.D.P.S. Act.

Allegedly, 1.9 kg of Ganja was recovered from the bag of the petitioners for which they did not produce any paper.

Submission is of false implication and that the petitioners have been made victim of the circumstances, they have got no criminal antecedent, in near future the trial is not likely to be concluded and the recovered quantity does not come under the purview of commercial quantity and it is much below than that. The petitioners are in custody since 18.10.2015 and as such now

WEB COPY NOT OFFICIAL

they deserve sympathetic consideration as mandatory provision of N.D.P.S. Act has not been followed in making search and seizure.

The Learned A.P.P. fairly submits that now considering the period of detention of the petitioners lenient view can be taken.

In the facts and circumstances stated above, considering that the charge-sheet has already been submitted and there is no chance of tampering with prosecution evidence and as such the petitioners are directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Learned Special Judge-cum-District and Sessions Judge, Gopalganj, in connection with Bijaipur P.S. Case No. 131 of 2015, 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 petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

siddharth/-

U		T	