

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42720 of 2016

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1. Kanhaiya Kumar Son of Vijay Singh resident of village - Jaitpur, P.S.
Barhiya, District - Lakhisarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pranav Kumar Jha

For the Opposite Party/s : Mr. Sri S. Ehteshamuddin

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

ORAL ORDER

2 05-10-2016

The petitioner wants to renew his prayer for bail, which was earlier rejected vide order dated 22.04.2015 and again vide order dated 22.02.2016 passed in Criminal Misc. No. 9669 of 2015 and 52238 of 2015 respectively, on the ground that the petitioner is suffering in custody since 28.10.2014 and in near future the trial is likely to be concluded which is evident from the impugned order itself. Other co-accused are on bail, the informant has already been examined as PW-1 and he has not specifically stated regarding the alleged recovery and he has not identified the petitioner in the court which is evident from para 1 of his deposition itself and as such the petitioner deserves sympathetic consideration. The petitioner was given liberty to renew his prayer for bail after six months before the learned court below and his

prayer for bail has been again rejected to which learned A.P.P. opposes the prayer of bail and fairly submits that during examination the informant has not stated regarding the recovery of the Ganja from conscious possession of the petitioner and further the petitioner has not been identified by him.

In the facts and circumstances stated above, 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 to the satisfaction of the Learned Additional Sessions Judge-III, Lakhisarai in connection with Rail Kiul P.S. Case No. 93 of 2014 (arising out of N.D.P.S Case No. 93 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.

siddharth/-

(Jitendra Mohan Sharma, J)

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