

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45579 of 2015

Arising Out of PS.Case No. -241 Year- 2015 Thana -BARACHATTI District- GAYA

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1. Manjot Singh @ Manjod Singh son of Sri Tarsen Singh resident of Mohalla - Punjabi Colony, Raniganj, P.S. Amarasuta, District - Bardhwan (West Bengal).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Singh, Sr. Advocate
Mr. Vinay Mistry

For the Opposite Party/s : Mr. Md. Fahimuddin(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 07-01-2016 Heard learned Sr. Counsel for the petitioner and learned counsel representing the State.

The petitioner seeks bail in connection with Barachatti P.S. Case No. 241 of 2015 registered for the offences punishable under Sections 15, 18 and 20 of Narcotic Drugs & Psychotropic Substances Act.

Allegedly, acting on a tip off, raid was conducted at Patiyala Dhaba and from Swift Dezire vehicle bearing Registration No. WB-68K-6808 wherein the petitioner and his father were sitting, after search 48 Kg. of Doda (powder of Poppy straw) was recovered and further from one Tailor also 48 Kg. of Doda and from Dhabha 72 Kg. of Doda were recovered and

accordingly, the petitioner, his father and owner of Dhabha were arrested and confessional statement of the father of the petitioner and owner of Dhabha were recorded wherein they admitted regarding their involvement in dealing in Doda.

Submission is of false implication, the petitioner has been made victim of circumstances, he is a student of B.A. Part I of L. M. College, Gaya, the father of the petitioner was driving the vehicle and he boarded the vehicle to come to Gaya but in the way at Dhabha he was caught, moreover, recovered powder of Poppy Straw which is 48 Kg. does not come under commercial quantity as commercial quantity prescribes 50 Kg. and more, the petitioner is suffering in custody since 18.06.2015 and father of the petitioner and owner of the Dhabha in their confessional statement have said nothing against the petitioner regarding his participation in any such dealing and as such the petitioner deserves sympathetic consideration as his career is going to spoil.

Learned APP opposes the prayer of bail but fairly submits that confessional statement of the petitioner has not been recorded and from paragraph 14 of the case diary it reveals that Doda is the powder of Poppy Straw.

In the facts and circumstances stated above, considering that in the confessional statement of father of the petitioner and

owner of the Dhabha nothing has come regarding involvement of the petitioner in dealing in Doda (powder of Poppy Straw) and from annexure-2 it reveals that he is a student of B.A. Part I of L. M. College, Gaya and as such considering his period of detention, 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 each to the satisfaction of learned Sessions Judge, Gaya in connection with Barachatti P.S. Case No. 241 of 2015, 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.

avin/-

(Jitendra Mohan Sharma, J)

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