

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16101 of 2017

Arising Out of PS.Case No. -216 Year- 2016 Thana -CHATOUNI District- EASTCHAMPARAN
(MOTIHARI)

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Md. Ali, son of Zahir Hussain, resident of Mohalla- Agarwa Motihari, P.S.
Motihari, Dist. East Champaran Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Sri Arun Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 08-04-2017

Heard learned counsel for the petitioner.

The petitioner seeks regular bail in connection with NDPS Case No. 56/2016 arising out of Chhatauni P.S. Case No. 216 of 2016, registered for offences punishable under Sections 399, 402, 120B/34 of the Indian Penal Code and Sections 20(B) and 22 of the N.D.P.S. Act.

It has been submitted on behalf of the petitioner that nothing has been recovered to show the complicity of the petitioner under Sections 20B and 22 of the NDPS Act.

The allegation against the petitioner is of recovery of one country made pistol along with one cartridge and a Mobile. The petitioner is in custody for about 7 months. It has been submitted that in connection with this very occurrence a case under the Arms Act has also been instituted and as such there is no criminal antecedent against the petitioner.

Heard learned A.P.P. also. He has not



controverted the submission of learned counsel for the petitioner.

Having heard both sides and in view of the facts and circumstances stated above, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the Sessions Judge/Special Judge, Motihari, East Champaran in connection with NDPS Case No. 56/2016 arising out of Chhatauni P.S. Case No. 216/2016.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

S.Pandey/-

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