

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29184 of 2017

Arising Out of PS.Case No. -78 Year- 2017 Thana -MAIRWA District- SIWAN

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1. Santosh Pandey S/o- Dhrup Pandey, resident of Village- Langerpura,
P.S.- Mairwa, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhakar Singh, Adv.
Mr. Rakesh Menan, Adv.

For the Opposite Party/s : Mr. Sri Dashrath Mehta, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 07-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 01.04.2017 in connection with G.R. No. 1477 of 2017 arising out of Mairwa P.S. Case No. 78 of 2017 for offences punishable under Sections 272/273 of the Indian Penal Code, Section 20/22 of NDPS Act and Section 30(A), 37(B), 41(i) of Bihar Excise & Prohibition Act, 2016.

The prosecution case, as lodged by the police personnel is that during patrolling duty, the motorcycle of the petitioner was intercepted and the petitioner was apprehended by the police and from his possession 200 mg. country made liquor along with 1.890



mg. heroine in a match box were recovered.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and has been falsely implicated in the present case. He submits that although in the F.I.R. it has been stated that 50 gm. of heroine has been recovered but in paragraph- 18 of the case diary, weight of seized heroine has been shown as 1.890 mg., which is less than the minimum quantity. He further submits that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail **after completion of six months in custody** on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Siwan in connection with G.R. No. 1477 of 2017 arising out of Mairwa P.S. Case No. 78 of 2017, subject to the condition that one of the bailors would be a close relative of the petitioner and if the petitioner indulges in an offence of similar nature in future, the



prosecution will be at liberty to move the court below for
cancellation of his bail bonds.

(Nilu Agrawal, J)

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