IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14444 of 2017

Arising Out of PS.Case No. -3 Year- 2017 Thana -CHAURADANO District- EASTCHAMPARAN(MOTIHARI)

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Lal Babu Mahto, Son of Late Ram Ayodhya Mahto, resident of Village- Kotwali, P.O.- Kalaiya, P.S.- Chiutaha, District- Bara (Nepal).

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Binod Kumar Singh
For the Opposite Party/s : Mr. Smt. Sharda Kumari

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 13-06-2017 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Chhoradano (Mahuawa) P.S. Case No. 03 of 2017, dated 4.1.2017, registered under Sections 414 of IPC and 21 (c) of the N.D.P.S. Act.

The accusation leveled against the petitioner is with regard to him trying to smuggle injections namely Noophin 383 pieces, injection diazelab 385 pieces and injection Phenergun 374 pieces to Nepal. It is alleged that the SSB at Mahuawa along with other officials, during patrolling duty on 03.01.2017 at about 10.30 P.M., had apprehended the petitioner while he was going towards

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Nepal.

It has been further alleged that the said injections are dangerous for human life.

Learned counsel for the petitioner submits that the petitioner is innocent having no criminal antecedent and has been falsely implicated in the case. It is further submitted that the petitioner is in custody since about six months. The injections have not been found to be spurious, hence he deserves to be granted regular bail.

Having regard to the facts and circumstances of the case, and particularly from the report submitted by the F.S.L. Bihar, Patna, it is apparent that the aforesaid injections have not been found to be spurious. Considering the fact that the petitioner is in custody since about six months and he has been suitably punished for the moment, it would be expedient and in the interest of justice that the petitioner above named, is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (Rs. Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge cum Special Judge, East Champaran at Motihari, in connection with Chhoradano (Mahuawa) P.S. Case No. 03 of 2017.

It is further directed that the petitioner would submit

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his attendance before the concerned police station on every Monday of the week at 10.00 a.m.

The F.S.L. report submitted to this court in sealed cover has been opened. The same is directed to be re-sealed and sent to the concerned Trial Court with a liberty to open the same as and when required.

(Mohit Kumar Shah, J)

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