

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36241 of 2017

Arising Out of PS. Case No.-391 Year-2016 Thana- SAHARSA District- Saharsa

Md. Mahtab S/o Late Md. Hamid, Resident of Machhli Market, P.S.- Saharsa
(Sadar), District- Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari

For the Opposite Party/s : Mr. None.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4 18-10-2017 Heard Sri D.N.Tiwari, learned counsel for the petitioner.

None appeared on behalf of the State.

This is the second attempt for grant of bail on behalf of the petitioner. Earlier, the prayer for bail of the petitioner was rejected on 13.12.2016 vide Cr.Misc.No.42890 of 2016. In this case, there was recovery of 13 Kilogram 100 gram Ganja and the petitioner is in custody since 08.08.2016. Considering on merit of the case, earlier the prayer for bail of the petitioner was earlier rejected, however fact remains that recovered ganja was not beyond commercial quantity.

By order dated 13.09.2017 a report was called for from the court below regarding stage of the case, which has been received and kept at Flag-A. The report suggests that charges were framed in the month of May, 2017. However, despite



summoning bailable warrant of arrest, till date the prosecution has not examined any witness.

Considering the quantity of recovered ganja as well as the fact that the petitioner is in custody since 08.08.2016 without any trial, there is no reason to further detain the petitioner. Accordingly, let the petitioner, namely, Md. Mahtab be released on bail 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, Saharsa in connection with Saharsa P.S. Case No.391 of 2016 (Special Case No.03/2014) with conditions that (i) one of the bailors must be blood relation of the petitioner and (ii) during trial, on each and every date the petitioner shall remain physically present before the court below. If continuously on two dates the petitioner remains absent without prior permission of the trial court, his bail bond shall stand automatically cancelled.

(Rakesh Kumar, J)

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