

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44256 of 2017

Arising Out of PS.Case No. -12 Year- 2015 Thana -SAKATPUR District- DARBHANGA

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1. Dev Narayan Mahto, Son of Late Shree Chandra Mahto, resident of
Village- Rupauli, P.S.- Lakhnaur, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Jha

For the Opposite Party/s : Mr. Sri Mukeshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 11-10-2017 Heard learned counsel for the petitioner as
well as learned A.P.P. for the State.

The petitioner is in jail custody since
26.02.2015 and earlier his prayer for bail was twice
rejected by this Court taking note of recovery of Ganja.

Learned counsel for the petitioner submits
that alleged recovery has not been made from the
conscious possession of the petitioner rather the aforesaid
recovery was made from a gunny bag which was lying on
the earth and the petitioner was arrested by the informant
while he along with others was fleeing away from the



place of occurrence. He further submits that co-accused Dilip Mandal, from whose possession 36 Kg. Ganja is said to have been recovered, has already been granted privilege of bail and apart from this some other accused have also been granted privilege of bail by a Bench of this Court. He also submits that the petitioner does not have any criminal antecedent, which shows that the petitioner is not habitual offender.

The trial court has reported that the charges against the petitioner and others were framed on 24.01.2017 but upto now not a single prosecution witness could be examined. The above said report of the trial court goes to show that there is no possibility of conclusion of the trial of the petitioner in near future.

In the aforesaid facts and circumstances and as well as submission of the parties, let above named petitioner 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 1st Additional



Sessions Judge-cum- Special Judge (NDPS Act),Darbhanga in G.O.Case No. 14 of 2015 (old)/07 of 2015 (Rectified)(arising out of Sakatpur P.S.Case no. 12/15 dated 25.02.2015),subject to the condition that the petitioner shall appear before the trial court in person on each and every date for the period of six months or till conclusion of his trial whichever is earlier. However if he fails to do so on two consecutive dates without any reasonable cause, the concerned court shall be at liberty to cancel the bail bonds of the petitioner after due and proper enquiry.

(Hemant Kumar Srivastava, J)

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