

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42225 of 2017

Arising Out of PS.Case No. -463 Year- 2017 Thana -KHAZANIHAT District- PURNIA

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Sunil Mishra @ Sunil Kumar Mishra, S/o Satyadeo Mishra, Resident of
Verma Colony, P.S.- K. Hat (Maranga), District- Purnea.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari

For the Opposite Party/s : Mr. Sri Ajay Kumar-1

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 13-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
05.07.2017 in connection with Special Case No. 13 of 2017
arising out of K. Hat (Maranga) P.S. Case No. 463 of 2017 for
offences punishable under Sections 20(B) and 22 of the N.D.P.S.
Act.

The prosecution case, as lodged by the police
personnel, is that on secret information that sons of Satyadev
Mishra (petitioner) and Jitendra Mishra are indulging in selling of
contraband Ganja raid was conducted in the house and in the room
beneath the bed 2kg Ganja was recovered. Accordingly, a seizure
list was prepared.



It has been submitted by learned counsel for the petitioner that he is innocent, house belongs to his father and nothing has been recovered from his conscious possession. He submits that he is a student and bears no criminal history. It is submitted that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner and that the petitioner has been falsely implicated along with his brother Jitendra Mishra.

However, learned APP for the State opposes the prayer for bail stating therein that from the house of the petitioner's father contraband Ganja was recovered and the petitioner was seen fleeing away who was apprehended on the spot.

Considering the facts and circumstances and the materials on record since the petitioner is a student and bears no criminal antecedent, let petitioner, above named, be enlarged 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 Special Judge N.D.P.S. Act, Purnea in connection with Special Case No. 13 of 2017 arising out of K. Hat (Maranga) P.S. Case No. 463 of 2017, subject to the conditions that:

- (1) Both bailors would be close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/ court, who will



file an affidavit stating their relationship with the petitioner.

- (2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.
- (3) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.
- (4) The petitioner will also appear before the concerned police station in the first week of every month.

(Nilu Agrawal, J)

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