

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52995 of 2017

Arising Out of PS.Case No. -251 Year- 2017 Thana -PATNA CITY CHOWK District- PATNA

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Harendra Rai, Son of Late Bhagwat Rai @ Bhagwan Rai, Resident of
Village- Kamshikoh, P.S.- Chowk, District- Patna

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13, Advocate
Mr. Rohit Kumar, Advocate

For the Opposite Party/s : Mr. Smt. Suman Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

2 09-11-2017 Heard learned counsel for the petitioner and learned

APP for the State.

This is a case registered under Sections 22 and 27 of
the Narcotic Drugs and Psychotropic Substances Act.

The FIR discloses recovery of 40 grams ‘Ganja’
from the petitioner.

Counsel for the petitioner submits that the petitioner
is a man of clean antecedent and prior to the instant case there is
no criminal case pending against him. He further submits that he is
not concerned with any business of ‘Ganja’ and that he has been
implicated in this case merely on the basis of suspicion. The
seizure was made contrary to the procedure prescribed by law. He



also submits that the petitioner is in jail custody since 28.08.2017.

In the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sessions Judge/Spl. Judge, Patna in Chowk P.S. Case No. 251 of 2017 subject to the conditions :

- (i) That one of the bailors will be a close relative of the Petitioner who will give an affidavit giving genealogy as to how he is related with the Petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the Petitioner.
- (ii) That the affidavit shall clearly state that the Petitioner is not an accused in any other case and if he is, he shall not be released on bail.
- (iii) That the bailor shall also state on affidavit that he will inform the court concerned if the Petitioner is implicated in any other case of similar nature after his release in the present case and thereafter, the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.
- (iv) That the Petitioner will give an undertaking that he will



receive the police papers on the given date and be present on date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

- (v) That the Petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

Prakash/-

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