

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48219 of 2016

Arising Out of PS.Case No. -141 Year- 2015 Thana -BARUN District- AURANGABAD

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1. Rabindra Singh Son of Baldeo Singh Resident of village - Adhaura,
P.S. Obra, District - Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha

For the Opposite Party/s : Mr. Sri Arun Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-01-2017

Heard learned counsels for the petitioner and

the State.

The petitioner has renewed his prayer for bail in a case registered for the offences punishable under Sections 20 and 22 of the Narcotic Drugs & Psychotropic Substances Act.

Petitioner is languishing in custody since 30.09.2015.

The prosecution case is that the petitioner and co-accused Guddu Yadav were intercepted while travelling on the motorcycle. The motorcycle was being driven by co-accused Guddu Yadav when the petitioner was carrying two bags containing 10½ kg of ganja. From the dickey of the motorcycle 2 kgs of ganja was also recovered.

It is submitted by learned counsel for the



petitioner that recovery is between small and commercial quantity. The investigation has already concluded and there is no likelihood of conclusion of the trial as co-accused Guddu Yadav has been granted bail by a co-ordinate Bench of this Court vide order dated 31.08.2016 passed in Cr. Misc. No. 32194 of 2016 since the charge could not be framed which gets reflected from Annexure-4 of the petition. Moreover the petitioner has no criminal antecedent. A statement to that effect has been made in para 3 of the petition which reads as follows:-

“That petitioner has no any criminal antecedent.”

It is further submitted that earlier bail of the petitioner was rejected vide order dated 09.03.2016 passed in Cr. Misc. No. 8583 of 2016 with observation ‘at present’ and with liberty to renew the prayer for bail after remaining in custody for one year.

Learned counsel for the State Mr. J.N. Thakur does not controvert the contention of the counsel for the petitioner that recovery is between small and commercial quantity.

Considering the recovery of contraband between small and commercial quantity, the petitioner having no criminal antecedent and the liberty granted in the earlier rejection order, let the petitioner, above named, 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-cum-Special Judge, Aurangabad in connection with Barun P.S. Case No. 141 of 2015, G.R. No. 07 of 2015.

Learned Court below will be at liberty to cancel the bail bonds of the petitioner if the petitioner gets substantially involved in similar nature of offence or defaults for three consecutive occasions during trial.

(Dinesh Kumar Singh, J)

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