

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6470 of 2017

Arising Out of PS.Case No. -49 Year- 2016 Thana -HAJIPUR SADAR District-
VAISHALI(HAJIPUR)

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Shyam Narayan Choudhary S/o- late Jagarnath Choudhary R/v- Daulatpur,
P.S.- Sadar Hajipur, Distt.- Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha

For the Opposite Party/s : Mr. Sri Ram Naresh Ray

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-05-2017

The petitioner has renewed his prayer for bail

in a case registered for the offences punishable under Sections
8/20(b)(ii)(B), 29/31 of the Narcotic Drugs & Psychotropic
Substances Act.

The prosecution case is that from the house of
the petitioner 100 fixed deposit certificates and 7 kgs of ganja
were recovered.

It is submitted by learned counsel for the
petitioner that petitioner is languishing in custody since
13.04.2016 and the recovery is not from the possession of the
petitioner, rather the petitioner was in jail on the alleged date of
seizure, a statement to that effect has been made in para 9 of the
petition. It is further submitted that co-accused Sunil Chaudhary



from whom 2 Kgs of ganja was recovered and co-accused Shyam Choudhary from whom 600 grams of ganja was recovered have been granted bail by this Court vide Cr. Misc. No. 34337 of 2016 on 27.10.2016 and Cr. Misc. No. 21766 of 2016 on 21.06.2016 respectively.

Though the petitioner is accused in (i) Hajipur(Sadar) P.S. Case No. 12 of 1999 for the offences under Sections 20/22 of the Narcotic Drugs & Psychotropic Substances Act (ii) Hajipur(Sadar) P.S. Case No. 08 of 2017 for the offences under Section 47(a) of the Excise Act and Section 22 of the Narcotic Drugs & Psychotropic Substances Act (iii) Hajipur (Sadar) P.S. Case No. 14 of 2009 for the offences under Sections 20/22 of the Narcotic Drugs & Psychotropic Substances Act, (iv) Hajipur(Sadar) P.S. Case No. 491 of 2015 for the offences under Sections 489(C) of the Indian Penal Code and Sections 20/22 of the Narcotic Drugs & Psychotropic Substances Act (v) C2A-2/07 for the offences under Section 47(a) of the Excise Act, but in all these cases the petitioner has been enlarged on bail.

Considering the fact that petitioner is in custody since 13.04.2016, the recovery was made on 07.02.2016 when the petitioner was in custody in connection with Sadar(Hajipur) P.S. Case No. 491 of 2015 since 01.10.2015, the



trial is not likely to be concluded in near future, the recovery is between small and commercial quantity and the petitioner has been enlarged on bail in all other cases as mentioned in paragraph no. 3 of the present petition, 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 District & Sessions Judge, Vaishali at Hajipur in connection with Sadar(Hajipur) P.S. Case No. 49 of 2016, G.R. No. 531 of 2016.

Learned Court below will be at liberty to positively cancel the bail bonds of the petitioner, if the petitioner defaults for two consecutive occasions during trial.

(Dinesh Kumar Singh, J)

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