

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20710 of 2017

Arising Out of PS.Case No. -737 Year- 2015 Thana -BIHTA District- PATNA

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1. SHIV KUMAR @ SHIV KUMAR SARMA@SHIV KUMAR SINGH
Son of Matar Singh, Resident of Village- Dihri, P.S. Bihta, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Adv.
Mr. Arun Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Sri Umeshnand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 10-05-2017 The petitioner seeks regular bail in connection with Bihta

P.S. Case No. 737/15, registered for offences punishable under

Section 20/22 of N.D.P.S. Act.

Allegation is of recovery of 03 kilogram of *Ganja* from
the house of the petitioner.

It has been submitted on behalf of the petitioner that
petitioner being a home-guard has nothing to do with the alleged
recovery and he was also not present there at the time of raid.
Moreover, the co-accused, who is also the wife of the petitioner
against whom there is specific allegation that she is in the business
of selling *Ganja* has already been granted anticipatory bail by this
Court vide order dated 30.01.2017, passed in Criminal
Miscellaneous No. 2069 of 2017 and petitioner has no criminal



antecedent an has been in judicial custody since 10.01.2017.

Heard learned A.P.P. also.

Having heard both sides, in view of the fact and circumstances, period of custody and also other co-accused against whom, there was specific allegation of selling *Ganja*, has already been enlarged on bail, as such, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Patna in Special Case No. 21/2015, in connection with Bihta P.S. Case No. 737 of 2015, subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates



without showing any genuine reasons, the
prosecution is free to move for cancellation
of his bail.

(Vinod Kumar Sinha, J)

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