

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2187 of 2017

Arising Out of PS.Case No. -134 Year- 2016 Thana -POTHIYA District- KISANGANJ

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Shehar Ali @ Shahir Ali son of Joinal Miyan, R/o Nandinabana, P.s.-
Dilhata, District- Jutchbihar (W.B.).... Petitioner

Versus

State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Diwakar Sinha

For the Opposite Party/s : Mr. Sri Rajendra Nath Jha

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 30-01-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Pothiya
P.S. Case No. 134 of 2016 registered for the offences punishable
under Sections 21, 22 of N.D.P.S. Act and 11 of Bengal Gambling
Act.

Allegedly, from green colour bag of the petitioner, 2
kilogram ganja and 100 tickets of Sikkim State Lotteries were
recovered.

Submission is of false implication and that the
petitioner has got no criminal antecedent and without any fault he
is suffering in custody since 06.09.2016, he was made victim of
circumstances, the said article was found abandoned on roadside
and the petitioner has been made accused, he was never involved
in such type of act, the recovered ganja is much less than the



commercial quantity and as such the petitioner deserves sympathetic consideration to which the learned APP opposes.

In the facts and circumstances stated above, considering the period of custody and further that he has no criminal antecedent, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Kishanganj in connection Spl. Case No. 17 of 2016 arising out of Pothia P.S. Case No. 134 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

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(Jitendra Mohan Sharma, J)

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