

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42302 of 2016

Arising Out of PS.Case No. -167 Year- 2015 Thana -BAUSI District- PURNIA

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Taiyab Miya son of Mojahir Miya @ Mojahid Mian Resident of Village
Karmulla, P.S.- Lakhora, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar

For the Opposite Party/s : Mr. Sri Mithilesh Kumar Khare

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

02/ 21.06.2017

This matter has been listed for hearing out of
turn on the slip filed by the petitioner.

Heard learned counsels for the petitioner and
Mr. J.N. Thakur for the State.

This is an application for bail in a case of
misuse.

The petitioner was accused in a case
registered under Section 20 of the NDPS Act.

The prosecution case is that from Sleeper
No./ 13-14 of a bus on which the petitioner was travelling two
bags were recovered and the petitioner accepted that the bags
belong to him from which 12 kgs. and 910 grams of Ganja were
recovered.



On submission of learned counsel for the petitioner that the recovery cannot be treated from the possession of the petitioner and considering that the recovery was between small and commercial quantity coupled with the statement that the petitioner has no criminal antecedent, the petitioner was granted bail vide order dated 24.02.2016 passed in Cr. Misc. No. 8680 of 2016. Subsequently the petitioner made default on 29.04.2016 before the trial court while the case was fixed for prosecution evidence as a result his bail bond was cancelled. Subsequently, the petitioner surrendered on 19.08.2016 but his bail application was rejected, hence, the present application.

It is submitted by learned counsel for the petitioner that the bail bond was cancelled for a single default and the petitioner undertakes to appear regularly. Moreover, the petitioner has no criminal antecedent, statement to that effect has been made in paragraph 3 of the petition.

Considering the fact that the petitioner was granted bail on merits and the bail bond has been cancelled for a single default, let the above named petitioner, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, NDPS Act, Purnea in connection with Special Case



No. 05 of 2015 arising out of Baisi P.S. Case No. 167 of 2015.

The learned trial court will be at liberty to cancel the bail bonds of the petitioner in two eventualities i.e. if he defaults for two consecutive occasions or substantially gets involved in similar nature of offence.

(Dinesh Kumar Singh, J)

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