

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60630 of 2017

Arising Out of PS.Case No. -238 Year- 2016 Thana -KODHA District- KATIHAR

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Chandan Kumar Mandal S/o Durgesh Mandal, R/o Bari Bari Bhainsdiyara,
P.S.- Barari, District- Katihar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Dhananjaya Nath Tiwari, Advocate
For the Opposite Party : Mr. Sri Manoj Kumar – 1 (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 20-12-2017 Supplementary affidavit has been filed on behalf of
the petitioner. Let it be kept on record.

Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner wants to renew the prayer of bail,
which was earlier rejected vide order dated 20.03.2017 passed in
Cr. Misc. 7416 of 2017, on the ground that the petitioner is in
custody since 27.10.2016. The alleged recovered quantity of ganja
which is 5.675 kg. does not come under the purview of
commercial quantity and for that the petitioner by remaining in
custody has been sufficiently penalized. The petitioner has got no
criminal antecedent and, as such, the petitioner deserves
sympathetic consideration.



The learned A.P.P. fairly submits that recovered quantity is much less than commercial quantity.

In the facts and circumstances stated above, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned Sessions Judge-cum-Spl. Judge, Katihar, in connection with Korha P.S. Case No. 238 of 2016 (G.R. Case No. 4047 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.

(Jitendra Mohan Sharma, J.)

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