

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32599 of 2016

Arising Out of PS.Case No. -265 Year- 2015 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

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Shyam Babu Patel S/o Sri Mohan Patel, Resident of Village- Ranipakari,
P.S Bettiah (Muffasil), Distt- West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv
		Mr. Mira Kumari, Adv.
		Mr. Sri Kant Mishra, Adv
For the State	:	Mr. Ram Priya, APP

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA

ORAL ORDER

6 08-02-2017

Heard.

Earlier the prayer for bail of the petitioner was rejected by this Court vide order dated 03.12.2015 taking note of this fact that 27 kgs ganja kept in two separate bags were recovered from his possession.

Again the bail is sought on the ground that petitioner was taken into custody on 27.06.2015 but up till now the seized articles have not been sent for chemical examination, and, therefore, it is difficult to say as to whether the seized article is ganja or not. It is further submitted that moreover, the petitioner has remained into custody since long and does not have any criminal antecedent. Para 8 of the supplementary case diary dated 05.02.2016 goes to show that up till now the seized articles have not been sent for chemical



examination particularly in the circumstances when the alleged recovery was made on 27.06.2015.

It is obvious from the aforesaid facts that more than 1½ years have passed but the seized articles have not been sent for the chemical examination.

Considering the aforesaid facts and circumstances as well as the period of detention into the custody, let the petitioner, above named, 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 the learned Additional Sessions Judge, 1st, West Champaran, Bettiah in connection with Sikarpur P.S. Case No. 265 of 2015, Trial No. 26 of 2015, subject to the condition that if the petitioner is caught in future with any narcotic substance and another case is lodged against him for the offences under the N.D.P.S Act, learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

(Hemant Kumar Srivastava, J)

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