

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2956 of 2017

Arising Out of PS.Case No. -79 Year- 2004 Thana -DIGHA District- PATNA

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Dashrath Rai, s/o late Pitamber Rai, r/o Pati Pool, Digha, P.S.- Digha, Distt-
Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nityanand Kumar, Advocate.

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 27-02-2017 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Digha P.S. Case No. 79 of
2004 (now Special Case No. 36(A) of 2004) instituted for the
offence under Sections 21, 22, 23, 24, 29 of N.D.P.S. Act.

It has been submitted that it is a case of misuse of
privilege of bail. The petitioner was earlier granted bail on merits
vide Cr. Misc. 31669 of 2004 by a coordinate Bench of this Court
vide order dated 9.2.2005. It has further been submitted that the
petitioner is in custody since 26.8.2015. The charge has been
framed but no witness has been examined till date.

From the impugned order, it appears that bail bond of
the petitioner was cancelled on 21.3.2007.

In such circumstances, keeping in view the period



spent by the petitioner in jail and it is a case of misuse of privilege of bail, prayer for bail of the petitioner is allowed. Let the petitioner above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge XI, Patna, in connection with Digha P.S. Case No. 79 of 2004 (Now Special Case No. 36(A) of 2004), subject to the condition that both the bailors will be the close relatives of the petitioner.

The petitioner in any manner will not try to hamper the trial by intimidating or influencing the witnesses and will remain present on each and every date of trial. Any two subsequent defaults will result in cancellation of bail bonds of the petitioner in the court below.

S.Ali/-

(Sanjay Priya, J)

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