

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5945 of 2017

Arising Out of PS.Case No. -34 Year- 2015 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

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1. Gopal Kumar son of Pundeo Sah Resident of Village - Daroga Tola, P.S.
- Banjaria, District - East Champaran (Motihari).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh

For the Opposite Party/s : Mr. Sri Nirmal Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 12-05-2017

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in N.D.P.S. Case No. 05 of 2015 arising out of Town P.S. Case No. 34 of 2015 instituted for the offence under Sections-20, 24, 17(C) and 21(C) of the NDPS Act.

It has been submitted on behalf of the petitioner that he is in custody since 22-01-2015. He has no criminal antecedent.

As per written report, 40 gms. Of Brown sugar (Heroin) is alleged to have been recovered from possession of the petitioner.

Learned counsel for the petitioner has submitted that as per table given in NDPS Act, 40 gms of brown sugar will come below the commercial quantity. The report was called for from the court below about the stage of the trial which has been received and kept at Flag "A". From the report, it appears that after framing



of charge on 21-01-2016, not a single witness has been examined. Further it appears that FSL report has not been received in the lower court.

In such circumstances, keeping in view the recovery of item said to be brown sugar which is below the commercial quantity and the petitioner being in custody since 22-01-2015, the petitioner named above, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with N.D.P.S. Case No. 05 of 2015 arising out of Town P.S. Case No. 34 of 2015 to the satisfaction of learned Additional District & Sessions Judge-VII, Motihari, East Champaran subject to condition that both the bailors should be close relatives of the petitioner.

The petitioner will cooperate in the trial and shall remain present on each and every date and any subsequent absence of two dates, will amount to cancellation of bail of the petitioner. The petitioner will not try to tamper with the evidence or threaten or humiliate the witnesses.

(Sanjay Priya, J)

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