

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34767 of 2017

Arising Out of PS.Case No. -209 Year- 2013 Thana -ATHMALGOLA District- PATNA

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Bhuneshwar Rai Son of Late Deonandan Rai, Resident of Village-Ganjpar,
P.S. Athmalgola, District-Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Mouar

For the Opposite Party/s : Mr. Humayou Ahmad Khan

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 09-08-2017 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 20(B) (ii) and 22 of N.D.P.S.
Act.

Petitioner is in jail custody since 01.04.2015 on the
accusation of recovery of 45 kg. ganja from his house but
admittedly, petitioner was neither caught on the spot nor the said
recovery was made from his conscious possession.

Earlier the prayer for bail of the petitioner was twice
rejected by this court but while rejecting the prayer for bail of the
petitioner on 09.11.2016 in Cr. Misc. No. 34763 of 2016, this
court directed the trial court to conclude the trial of the petitioner



within six months but the impugned order dated 29.05.2017 passed by learned Additional Sessions Judge-IX, Patna goes to show that up till now, only two prosecution witnesses could be examined and still near about twenty prosecution witnesses are left to be examined. Petitioner does not have any criminal antecedent and, therefore, it does not reflect from the record that if the petitioner is released on bail, he shall indulge himself in similar type of offence.

Considering the aforesaid facts and circumstances as well as period of detention of the petitioner in jail custody, let the 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 N.D.P.S.-cum-Additional Sessions Judge-IX, Patna in connection with Special Case No. 67(A) of 2013 arising out of Athmalgola P.S. Case No. 209 of 2013.

(Hemant Kumar Srivastava, J)

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