

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41076 of 2017

Arising Out of PS.Case No. -49 Year- 2017 Thana -PHENHARA District-
EASTCHAMPARAN(MOTIHARI)

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Abhay Kumar Singh S/o Rampukar Singh, Resident of Village-Phenhara
P.S.-Phenhara, District-East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.

For the Opposite Party/s : Mr. Narendra Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 18-09-2017 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner seeks bail in connection with N.D.P.S. Case
No. 57/2017 arising out of Phenhara P.S. Case No. 49/2017, for
the offences punishable under Sections 20, 22 and 23 of the
N.D.P.S. Act.

The prosecution case as lodged by the police personnel
is that on secret information that ganja is being sold, the police
apprehended the petitioner and recovered ganja from the betel
shop of Mahadeo Sah the co-accused. From the betel shop of
Mahadeo Sah 17 grams of ganja was recovered. From the
possession of the petitioner 20 grams of ganja was recovered.
Accordingly, the seizure list was prepared.



It has been submitted by the learned counsel for the petitioner that the petitioner is innocent, bears no criminal history and he is languishing in judicial custody since 07.07.2017. He submits that co-accused Mahadeo Sah has been granted privilege of bail by a coordinate bench of this court in Cr. Misc. No. 41790/2017 on 08.09.2017.

However, learned A.P.P. opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sessions Judge-cum-Special Judge, East Champaran, Motihari in connection with N.D.P.S. Case No. 57/2017 arising out of Phenara P.S. Case No. 49/2017, subject to the condition that one of the bailors would be a close relative of the petitioner and if the petitioner is found to have indulged in similar offence in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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