

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10609 of 2017

Arising Out of PS.Case No. -286 Year- 2016 Thana –Jakkanpur District- PATNA

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Kishan Kumar S/o Late Raj Kumar Srivastava, Resident of Jawahar Colony,
Road No. 3, Postal Park, P.S. Kankarbagh, District- Patna. Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Raj Bansh Dubey

For the Opposite Party/s : Mr. Sri Nityanand

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 21-03-2017 Heard learned counsel for the petitioner and learned counsel
representing the State.

Petitioner seeks bail in connection with Jakkanpur P.S.
Case No. 286 of 2016 registered for the offences punishable under
Section 20 B of N.D.P.S. Act and Sections 30 (A)/38 of Bihar
Excise Amendment Act, 2016.

Allegedly, from possession of the petitioner 180 Puriya
Ganja and 3 bottles of Royal Stag whisky each containing 180 ml.
were recovered.

Submission is of false implication and that there is no
compliance of Section 50 of N.D.P.S. Act, further other provisions
of N.D.P.S. Act has also not been followed, nothing has been
recovered from conscious possession of the petitioner and he has
been made victim of circumstances. The petitioner is in custody
since 31.10.2016 and as such he deserves sympathetic



consideration. The petitioner has got no criminal antecedent.

Learned APP opposes the prayer of bail.

In the facts and circumstances stated above, considering the quantum of recovery, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna in connection with Jakkanpur P.S. Case No. 286 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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