

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1845 of 2017

Arising Out of PS.Case No. -43 Year- 2016 Thana -KATIHAR GRP CASE District- KATIHAR

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Sapan Biswas @ Swapan Biswas, Son of Late Nimai Biswas, resident of village - West Fala Kata, P.S. Fala Kata, District - Alipur Dwar, (West Bengal)

.... Petitioner

Versus

1. The Union of India, through the Director N.D.P.S., Govt. of India
2. The State of Bihar

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Bimal Kumar, Advocate
For the Respondent : Renuka Sharma (CGC)
For the Opposite Parties : Mr. Sri Suresh Prasad Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 14-02-2017 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner seeks bail in connection with Kishanganj Rail P.S Case No. 43 of 2016 (G.R. No. 141 of 2016) registered for the offence punishable under Sections 20 and 22 of Narcotic Drugs and Psychotropic Substances Act.

Allegedly, acting on a tip off the informant and another police personnel raided the place of occurrence and recovered 3.9 Kg Ganja concealed in a bag and accordingly seizure list was prepared and the petitioner was arrested.

Submission is of false implication and that there is no criminal antecedent against the petitioner, nothing has been



recovered from conscious possession of the petitioner, the seizure list witnesses are outsider, no local person has been made seizure list witness and, as such, the petitioner suffering in custody since 15.09.2016 deserves sympathetic consideration.

Learned A.P.P. opposes the prayer of bail.

In the facts and circumstances stated above, **the petitioner shall be released on bail after completion of 06 (six) months in custody from the date of remand in this case** on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge N.D.P.S., Katihar, in connection with G.R. No. 141 of 2016, arising out of Kishanganj Rail P.S. Case No. 43 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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