

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1686 of 2018

Arising Out of PS.Case No. -284 Year- 2017 Thana -ALAMGANJ District- PATNA

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1. Mithilesh Gope S/o Late Haidar Gope, R/o Belwarganj, Bharatpura
Kothi, P.S.- Alamganj, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar

For the Opposite Party/s : Mr. Pancha Nand Pandit

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 15-02-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
22.07.2017 in connection with Special Case No. 105/2017, arising
out of Alamganj P.S. Case No. 284 of 2017 for offences
punishable under Sections 25(1-b) A, 26, 35 of the Arms Act and
20/22 of the N.D.P.S. Act.

The prosecution case, as lodged by the police
personnel, is that the petitioner was apprehended along with others
with one country-made pistol with five live cartridges and 500
gms. of Ganja. Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the



petitioner that he is innocent, bears no criminal history apart from the present case, although, one case has been lodged after institution of the present case and that no overt act has been committed with the arms so seized. He submits that the ganja recovered is less than the commercial quantity and considering the period of custody a sympathetic consideration be given. He further submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, 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 learned Addl. District Judge-IIIrd cum Special Judge (N.D.P.S.), Patna, in connection with Special Case No. 105/2017, arising out of Alamganj P.S. Case No. 284 of 2017, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who



will file an affidavit stating his relationship with the petitioner.

- (2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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