

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.67044 of 2018

Arising Out of PS. Case No.-19 Year-2017 Thana- BALIYA District- Begusarai

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1. DHIREN MAHTON @ DHIRENDRA MAHTON@DHIRAN MAHTO S/o Late Batoran Mahton
 2. Sanni Mahton @ Sanni Kumar @ Sanni Kumar Mahton @ Sanni Mahto S/o Sulen @ Sulena Mahton Both are Resident of Village-Mottu Nagar P.S. Sahebpur Kamal, Distt.-Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar

For the Opposite Party/s : Mr. Md. Ashlam Ansari

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 22-11-2018

Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners, who are in custody, seek bail in connection with N.D.P.S. 1(A) of 2017 arising out of Ballia P.S. Case No. 19 of 2017 registered for the offence punishable under Sections 8, 20(b)(ii) C, 25, 29 of N.D.P.S. Act.

Petitioners have been implicated in this case on the basis of statement made by accused apprehended by the police with Narcotics on the spot and 110 Kgs Ganja were seized from Marshal Jeep.

It has been submitted on behalf of the petitioners that except their name appearing in the FIR nothing incriminating has been recovered from their possession. They have only one criminal antecedent and they are in custody since 12.09.2018.



Considering the fact that nothing has been recovered from their possession and they were apprehended on the basis of statement made by apprehended person before the police.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge 1st Cum-Special Judge, N.D.P.S., Begusarai, in connection with N.D.P.S. 1(A) of 2017 arising out of Ballia P.S. Case No. 19 of 2017 subject to the conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and their absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel their bail bonds.

(3) If the petitioners tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

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