

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47124 of 2018

Arising Out of PS.Case No. -17 Year- 2018 Thana -POWAKHALI District- KISANGANJ

- =====
1. Mondip Rai @ Modip Rai, Son of Late Bikash Rai, resident of Tarbandha, Darjeeling (W. Bengal).
 2. M. Bijayojit Singh, son of M. Manipak Singh, resident of Village Jomivilla Uttar Eaosi, Porampatt, Sub Division Imphal East Manipur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Sr. Adv.

: Mrs. Lalita Kumari, Adv.

For the Opposite Party/s : Mr. Md. Ansarul Haque, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 26-09-2018 The petitioners are in custody since 03.04.2018 in connection with Special Case No. 08/2018 arising out of Powakhali P.S. Case No. 17 of 2018, registered for offences punishable under Sections 21 and 22 of the N.D.P.S. Act.

Allegation against the petitioners is of recovery of 650 grams of smack.

Submission of learned counsel for the petitioners is that nothing has been recovered from possession of petitioner no.1, rather than F.I.R. itself shows that recovery is from petitioner no.2 and further submission is that they are in custody since 03.04.2018.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances as stated above, so far petitioner no. 2 is concerned, I am not inclined to grant bail to him. Hence, it is dismissed.



So far petitioner no. 1 is concerned, let him be released on bail on furnishing bail bonds of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Kishanganj, in connection with Special Case No. 08/2018 arising out of Powakhali P.S. Case No. 17 of 2018, with following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

Accordingly, this application is disposed of.

(Vinod Kumar Sinha, J)

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