

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8553 of 2018

Arising Out of PS.Case No. -395 Year- 2016 Thana -KISHANGANJ District- KISANGANJ

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1. Vishal Sarkar Son of Jugal Sarkar @ Yugal Sarkar Resident of Village-
Mohit Nagar, P.S. Jalpaiguri, District -Jalpaiguri(W.B).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amal Kumar Sinha

For the Opposite Party/s : Mr. Navin Kumar Pandey

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

3 07-03-2018

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

The petitioner has been in custody since 27.08.2016 in connection with Special Case No. 15 of 2016 arising out of Kishanganj P.S. Case No. 395 of 2016 registered for the offences punishable under Section 20 and 22 of the Narcotic Drugs and psychotropic substance Act.

Learned counsel for the petitioner submits that actually there was no recovery from his possession but the said *Ganja* was recovered from the bus in which the petitioner was traveling. The petitioner was arrested and made to give confessional statement before the police which has no evidentiary value. Learned counsel for the petitioner further submits that the *Khalasi* of the bus in which the petitioner was traveling was also taken into custody and, thereafter, on 09.08.2017 he has been



extended the privilege of bail vide order passed in Cr. Misc. No. 29075 of 2017.

Considering the period of custody and that the recovery was only 7 kg 200 grams which is less than commercial quantity, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Session Judge, 1st, Kishanganj, in connection with Special Case No. 15 of 2016 arising out of Kishanganj P.S. Case No. 395 of 2016, subject to the following conditions:-

- (1) One of the bailors will be his father.
- (2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.
- (3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.
- (4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State



shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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