

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38351 of 2019

Arising Out of PS. Case No.-453 Year-2017 Thana- DANAPUR District- Patna

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BHOLI @ SHAMS TABREZ S/o Md. Ahashan Mallik R/o Neemtal Dargah
Road, P.S.- Sultanganj, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pathak
For the Opposite Party/s : Mr.Aditya Narayan Singh.1

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 11-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in connection with
Spl. Case No. 98 of 2017 arising out of Danapur P.S. Case
No. 453 of 2017 registered for the offences punishable under
Sections 20 and 22 of the N.D.P.S. Act.

As per allegation in the FIR, 500 gm of Charas is
said to have been recovered from possession of the petitioner.

It is submitted by learned counsel for the petitioner
that recovered Charas is less than the commercial quantity.
Similarly situated co-accused, namely, Sonu Khan @ Hamid
Khan has been enlarged on bail vide order dated 17.08.2019
passed in Cr. Misc. No. 31332 of 2019. Petitioner is in



custody since 15.07.2017 and there is no case against the petitioner under the heading of N.D.P.S. Act.

The application for bail is opposed by learned APP for the State who submits that charges have been framed in the case and there is direct allegation of carrying Charas against the petitioner.

Having heard learned counsel for the parties and considering the facts that recovered Charas is less than the commercial quantity, petitioner is in custody since 15.07.2017 and similarly situated co-accused has been enlarged on bail, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II, Patna (N.D.P.S) in connection with Spl. Case No. 98 of 2017 arising out of Danapur P.S. Case No. 453 of 2017.

However, taking into consideration that charges have been framed, it is directed that the petitioner shall remain physically present in court on each and every date of the trial and in case of his absence on two consecutive dates for reasons not to the satisfaction of the court below, bail granted



to the petitioner shall be cancelled.

(Partha Sarthy, J)

sushma/-

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