

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55799 of 2022

Arising Out of PS. Case No.-6 Year-2016 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

RAMBABU MAHTO Son of Shri Vikram Mahto Resident of village - Balua,
P.S.- Semara, District - Bara, Country - Bara, Nepal.

... .. Petitioner/s

Versus

The Union of India

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar
For the Opposite Party/s : Mr.K.N.Singh (A.D.S.G)

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

7 15-05-2023 Heard the parties.

This is an application for regular bail on behalf of the petitioner for the offences alleged under Sections 15, 18, 20(B) and 23(C) of the NDPS Act, registered in connection with Excise P.R.Case No. 06/2016-17 (NDPS Case No. 33/2016).

As per allegation, 2.700 kilogram of opium was recovered from the possession of the petitioner.

The learned counsel for the petitioner has submitted that he is a person of clean antecedent and is in custody for seven years and not a single witness has been examined, whereas charges were framed on 17.03.2017.

A report was called for from the court below in this respect which is available at Flag-C, which shows that not a single witness has been examined and the petitioner is languishing in jail for seven years.

Considering the above facts and circumstances, let the



petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of 3rd Additional Sessions Judge, East Champaran at Motihari in connection with Excise P.R.Case No.6/2016-17 arising out of NDPS Case No. 33/2016, subject to the following conditions:-

1. The petitioner shall cooperate in the disposal of trial and make himself available on each and every date fixed at the trial, and if he fails to appear on two consecutive dates without any reason or unavoidable circumstances, the court below shall be at liberty to cancel his bail bond.

2. If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

(Nawneet Kumar Pandey, J)

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