

Patna High Court - Orders

Deolal Prasad vs The Union Of India on 29 March, 2011

IN THE HIGH COURT OF JUDICATURE AT PATNA

Cr. Misc. No.43818 of 2010

DEOLAL PRASAD son of Late Dhorhi Mahto

Versus

THE UNION OF INDIA

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4/ 29.03.2011 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case instituted for the offence under sections 8(b), 15 and 18 of the NDPS Act.

Considering that some poppy plants were recovered from the possession of the petitioner, but has fair antecedents, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.5,000/- (five thousand) with two sureties of the like amount each or any other surety to be fixed by the court below to the satisfaction of the 1st Additional Sessions Judge, Gaya, in connection with Excise Case No. 57 of 2008, subject to the conditions (i) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner and another bailor shall be Mahendra Prasad, nephew/brother-in-law of the petitioner. The bailors will undertake to furnish information to the court about any change in the address of the petitioner, (ii) That the affidavit shall clearly state that the petitioner is not an accused in any other case and, if he is, he shall not be released on bail, (iii) That the bailors shall also state on affidavit that they will inform the court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse, (iv) That the petitioner will give an undertaking that he will receive the police papers on the given date and be present on date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse, and (v) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

JA/-

(Anjana Prakash,J.)