

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.5772 of 2010
MARKANDEY CHAUHAN, S/O LAXMI CHAUHAN, R/O
VILLAGE-BAIRATOLA, P.S.-HANUMANGANJ,
DISTRICT-KUSHINAGAR (U.P.)PETITIONER.
Versus
THE STATE OF BIHAR.OPPOSITE PARTY.

2 26.02.2010 Heard learned counsel for the
petitioner and learned counsel for the State.

Case is under Sections 328, 307, 379,
411 and 34 of the Indian Penal Code and under
Sections 20 and 22 of the N.D.P.S. Act.

It is submitted that 10 Ativan tablets
and some pouches of powder were recovered from
the possession of the petitioner. It is
submitted that the same was falsely planted in
the possession of the petitioner and nothing was
recovered from the possession of the petitioner
and he was wrongly framed in the case and also
that there are no independent witnesses to
support the recovery of the said article from
the possession of the petitioner. It is also
said that petitioner is in jail since 25.09.2009
and he has no criminal antecedent at all.

Considering the above submissions of
learned counsel for the petitioner, this
application is allowed. Let petitioner Markandey
Chauhan be enlarged on bail on furnishing bail

bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special court i.e. IIIrd Additional Sessions Judge, Chapra in connection with N.D.P.S. Case No.12 of 2009 arising out of Chapra rail P.S. Case No. 75 of 2009 with conditions as laid down in Sub-Section (3) of Section 437 of the Code of Criminal Procedure as may be applicable and also that one of the bailors shall be a close relation of the petitioner. In case of breach of any of the conditions at any stage to the satisfaction of the concerned court below, it shall be at liberty to cancel the bail of the petitioner and take steps for his arrest.

Arvind/

(J. N. Singh, J.)

