

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25028 of 2015

Arising out of PS.Case No. -349 Year- 2014 Thana -SAHPUR District- BHOJPUR

Jai Kumar Yadav @ Jail Yadav, Son of Late Sheo Muni Yadav, resident of Village - Shahpur, P.S. - Shahpur, P.O. - Shahpur Patti, District - Bhojpur (Ara).

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr. Abhay Kumar Pandey, Advocate.

For the Opposite Party : Mr. Prem Kr.Jha(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 02-09-2015 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 16.12.2014 in connection with Shahpur P.S. Case No. 349 of 2014 for the offences instituted under Sections 20 and 22 of the N.D.P.S. Act.

The prosecution story, in brief, is that the informant A.S.I. Sanjay Kumar, lodged an F.I.R. stating therein that while he was on patrolling duty alongwith the police forces on foot and in that course he received a secret information that behind the Shahpur High School in front of the house of Atul Lal, Heroine is being sold and purchased. On such information, he after giving information to Magistrate-cum-C.O. Shahpur proceeded towards



the place and siege was laid of the place where by then Magistrate-cum-C.O. reached there and two persons were found sitting there. In the meantime, in presence of two independent witnesses, namely, Mohan Dhanu and Ashok Lal he gives his search of his own person and also of the forces and thereafter searched the person of Satendra Kumar Mahto and in that course from the left pocket of his Fulpants, Sixty Puriyas wrapped in a polythene weighing about 03 Gm. While after search of Jai Kumar Yadav @ Jail Yadav, twenty pieces of Puriya of Heroine were found kept in the knaught Lungi in the west were recovered in presence of the independent witnesses. Both the persons were asked to show paper regarding the Heroine but they did not show any paper and so in presence of Magistrate-cum-C.O. Shahpur seizure list was prepared over which the witnesses made their signature and which was also signed by the Magistrate.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 16.12.2014 and the charge sheet has been submitted in the present case. As per allegation, One Gram Heroine is said to have been recovered from possession of the petitioner which is considered to be a small quantity under N.D.P.S. Act.

On behalf of the State it has been submitted that from

perusal of the F.S.L. report, it would appear that the seized contraband is Heroine.

Considering the aforesaid facts and circumstances that the recovered contraband is small quantity, 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 the learned 3rd Additional Sessions Judge, Bhojpur at Ara, in connection with Shahpur P.S. Case No. 349 of 2014.

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(Sudhir Singh, J)