

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33787 of 2014

Arising Out of PS.Case No. -196 Year- 2013 Thana -MADANPUR District- AURANGABAD

- =====
1. Uday Paswan Son of Late Mukhdeo Paswan
 2. Subedar Yadav Son of Shri Ganesh Yadav resident of Village - Sahajpur, P.S. Madanpur, District - Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : M/s. Leelawati Kumari

For the Opposite Party/s : Md. Aslam Ansari (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 19-01-2015 Heard learned counsel for the petitioners as well as

learned Additional Public Prosecutor for the State.

Petitioners are in jail custody since 17.01.2014 in a case registered for the offences punishable under Sections 120B, 109, 417, 426 of the Indian Penal Code and Sections 20, 23, 27 of the N.D.P.S. Act.

The accusation against the petitioners is that 35 kg and 30 kg cannabis plants were respectively recovered from the houses of the petitioners.

The contention on behalf of the petitioners is that even if the prosecution story assumed to be true, then also, case of the petitioners comes under Section 20 B (i) of N.D.P.S. Act in which the maximum punishment is up to ten years. It is further

contended by him that petitioners do not have any criminal antecedent of N.D.P.S. Act though prior to institution of this case, they were charged for the offences punishable under Sections 420, 124 A, 414, 314 of the Indian Penal Code and A.C.C.A. Act as well as 20 of Unlawful Activities Act in Madanpur P.S. Case No. 195 of 2013.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Aurangabad in connection with Madanpur P.S. Case No. 196 of 2013.

(Hemant Kumar Srivastava, J)

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