

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20755 of 2015

Arising Out of PS.Case No. -20 Year- 2014 Thana -BARBIGHA District- SEKHPURA

Dharmendra Singh son of Late Jugo Singh @ Jugeshwar Singh, resident of village Samas Bujurg, P.S. Barbigha, District Sheikhpura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abinash Kumar

For the Opposite Party/s : Mr. Parmeshwar Mehta(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 05-05-2015

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 20(A) (B) of NDPS Act.

Eight live plants of Ganja were recovered from the house of the petitioner weighing 15 kg.

It is submitted by learned counsel for the petitioner that the stray plants were seized from the joint family abandoned house when the weight has been unreasonably inflated maliciously by the police. The seizure was made on

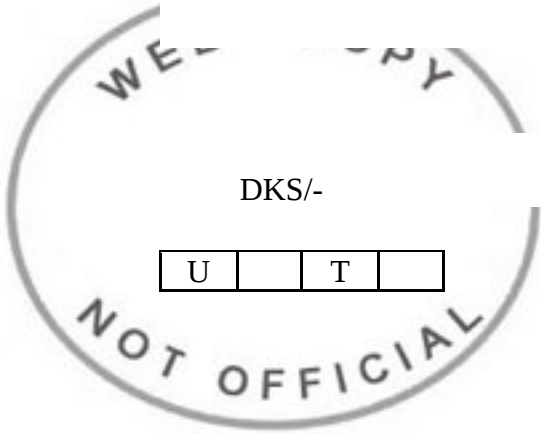
17.01.2014 at 14.15 P.M. the FIR was registered at 17.30 P.M. on the same day but the first information report reached to the learned Sessions Judge 20.01.2014 which suggests the registration of FIR by ante-dating. Moreover, there is overwriting with regard to time of registration of the first information report.

A statement has been made in para 3 of the petition that the petitioner has no criminal antecedent.

Considering the delayed reaching of FIR to the court, the unreasonableness of weight be assed of eight stray plants and petitioner having no criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Munger in connection with Barbigha P.S. Case No. 20 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bonds of the petitioner shall be accepted by the learned court below on filing of affidavit by the petitioner that he will regularly cooperate in the investigation. The said affidavit will be transmitted to the concerned I.O. Non-

cooperation in the investigation will give liberty to the learned
court below to cancel the bail bonds of the petitioner.



(Dinesh Kumar Singh, J)