

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28918 of 2015

Arising Out of PS.Case No. -321 Year- 2013 Thana -BRAHMPUR District- BUXAR

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Manish Kumar Singh Son of Mahendra Singh, Resident of village-
Garahatha, P.S.- Krishna Brahm, District- Buxar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyapal Singh

For the Opposite Party/s : Mr. Parmanand Prasad (App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

02/ 24-07-2015

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(B)(ii)(C)/27(A)/29 of the NDPS Act, 47(a) of the Excise Act
and 25(1-B)a/26/35 of the Arms Act.

The prosecution case is that on secret
information that the huge quantity of Ganja is unloaded in the
house of Santosh Kumar Sah, raid was laid, when from the
house of Shivji Sah and Gorakh Ram 42.275 kgs. Ganja were
recovered from ground floor, from the first floor 16.300 Ganja,
one mobile measurement weight were recovered and seizure list
was prepared. The seizure of 539.085 kgs. of Ganja, two country
made pistols, cartridges and certain documents were made from

under constructed house of Shivji Sah along with cash of rupees seven lakhs, five thousand three hundred fifty and from the possession of Dilip Kumar Sah rupees one lakh, six hundred, two mobiles and 100 gms. Ganja were recovered. The apprehended accused disclosed the name of Ranjan Singh, Ashok Kumar Singh and the petitioner.

It is submitted by learned counsel for the petitioner that admittedly there is no recovery from the petitioner and there are several Manish Singh in the village of the petitioner.

Considering the fact that the recovery has not been made from the persons whose names were suggested by apprehended accused persons, similarly situated co-accused Ashok Kumar Singh has been granted anticipatory bail vide Cr. Misc. No. 50676 of 2014 whereas co-accused Ranjan Kumar Singh has also been granted anticipatory bail vide Cr. Misc. No. 16029 of 2014, 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

–cum- Special Judge, Buxar in connection with N.D.P.S. Case No. 4B of 2013 arising out of Brahmpur (Krishna Brahm) P.S. Case No. 321 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Since the petitioner is accused in one other case of similar nature, the bail bond of the petitioner will be accepted on filing affidavit that the petitioner will regularly co-operate in the investigation. Non-cooperation in the investigation will give liberty to the learned court below to cancel the bail bond of the petitioner or if the petitioner substantially gets involved in some serious nature of offence or defaults for two consecutive occasions.

(Dinesh Kumar Singh, J)

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