

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 51239 of 2014

Arising Out of PS.Case No. -97 Year- 2014 Thana -TEGHRA District- BEGUSARAI

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Rajeev Kumar Son of Siyaram Singh Resident of Village- Dularpur, P.S. Teghra, District Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2 21.05.2015 Heard Mr. Rama Kant Sharma, learned senior counsel assisted by Mr. Yogesh Kumar, learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends arrest in Teghra P.S. Case No. 97 of 2014 dated 30.03.2014 instituted under Sections 8/20/22 of the N.D.P.S. Act, 1985.

The allegation against the petitioner is that 1/2 kg. Marijuana (Ganja) was recovered from his house.

Learned counsel for the petitioner submits that it is the joint house and admittedly the recovery is not from the conscious possession of the petitioner. It is further submitted that another 1/2 kg. Marijuana (Ganja) was recovered from the other portion and that is why his aunt has also been made an accused. Learned counsel submits that the seizure list witnesses are police constables and not independent witnesses. It is also submitted that the petitioner has clean antecedent.

Learned A.P.P. opposes the prayer for anticipatory bail.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in Teghra P.S. Case No. 97 of 2014, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure, 1973. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J.)

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