

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5726 of 2015

Arising Out of PS.Case No. -463 Year- 2014 Thana -BARACHATTI District- GAYA

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Satyendra Kumar Son of Sri Sita Ram Prasad Resident of Village -
Kumbhiyatri, P.S. - Fatehpur, District - Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma

For the Opposite Party/s : Mr. Md. Ansural Haque (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

4 21-05-2015 Heard Mr. Sharma for the petitioner and learned APP
for the State.

The petitioner is languishing in jail since 25.09.2014 in connection with Barachatti (Mohanpur) P.S. Case No. 463 of 2014 which was lodged on the self statement of the police officer alleging therein that the petitioner along with co-accused Ashok was riding a motorcycle from where 11 kg of Ganja was recovered. Two other cyclists following them were also searched and 5 kg and 4 kg of ganja respectively were recovered. Four accused persons including the petitioner were therefore made accuseds.

The contention of the petitioner is that seizure memo enclosed with the FIR does not disclose recovery of contraband

articles (Ganja) from the motorcycle. The amount if divided between the two would be less than the commercial quantity. There has been complete breach of mandatory provision contained in section 50 of the NDPS Act. The petitioner has no criminal antecedent.

In the facts and circumstances of the case, the petitioner abovenamed is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Sessions Judge, Gaya in Barachatti (Mohanpur) P.S. Case No. 463 of 2014 on condition that one of the bailors of the petitioner shall be his own/close family member. In event of framing of charge, he shall appear on each date fixed at the trial. Failure in appearance on two consecutive dates shall lead to cancellation of his bail bonds.

(Kishore Kumar Mandal, J)

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