

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40707 of 2014

Arising Out of PS.Case No. -66 Year- 2014 Thana -MAUZAHDIPUR District- BHAGALPUR

1. Sri Ram Singh Son of Ram Sakal Singh Resident of Village & P.S.- Tetulmari, Dhanbad
2. Bablu Singh Son of Brij Bihari Singh resident of Village & P.S. - Jharia, Dhanbad. Both of District - Dhanbad (Jharkhand)
- Petitioners

Versus

1. The State of Bihar
2. Narcotics Control Bureau, Patna Zone unit.

.... Opposite Parties.

With

Criminal Miscellaneous No.44203 of 2014

Arising Out of PS.Case No. -66 Year- 2014 Thana -MAUZAHDIPUR District- BHAGALPUR

Nandlal Sah Son of Late Gurucharan Sah resident of Mohalla- Aliganj Gangti, Police Station- Babarganj, District- Bhagalpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.40707 of 2014)

For the Petitioner/s : Mr. Ashok Kumar Sinha

For the Opposite Party/s : Mr. Pradip Nr.Kumar(App)

(In Cr.Misc. No.44203 of 2014)

For the Petitioner/s : Mr. Syed Masleh-Uddin Ashraf

For the Opposite Party/s : Mr. S.Dayal(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 23-01-2015

Heard learned counsels for the petitioners

and the State.

The petitioners are languishing in custody since 13.06.2014 and 26.08.2014 respectively in a case registered for the offences punishable under Sections 20(b) (c), 23(c) and 25 of the NDPS Act.

It is alleged in the FIR that from the house of co-accused Lakhan Sah and petitioner Nandlal Sah 180 kgs. of Ganja were recovered whereas from the two vehicles standing in front of the house of Lakhan Sah and petitioner Nandlal Sah 3 quintals and 3.10 quintals Ganja were recovered.

It is submitted by learned counsel for the petitioner Nandlal Sah that though the recovery has been shown from the house of petitioner and Lakhan Sah, but the seizure list reflects that the recovery was made from the house of Lakhan Sah and from two cars standing on the road in front of the house of petitioner and Lakhan Sah. A statement has been made in the petition that the house from where the recovery has been made belongs to Lakhan Sah, who is own brother of petitioner Nandlal Sah. Hence, none of the recoveries can be treated from the possession of the petitioner Nandlal Sah.

It is submitted by learned counsel for the

petitioners Sri Ram Singh and Bablu Singh that the recovery is admittedly not made from the possession of the petitioners. They visited the house of Lakhan Sah for fixing marriage from where they were apprehended. From the possession of Bablu Singh one mobile has been recovered, which he claims to be his own.

A statement has been made in para 3 of the petitions that petitioners Sri Ram Singh and Bablu have no criminal antecedent, whereas petitioner Nandlal Sah is accused in two other cases under NDPS Act and the statement has been made that in one case final form was submitted while in the other he is in custody.

Considering the fact that recovery has not been made from the petitioners Sri Ram Singh and Bablu Singh, let them 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 learned Sessions Judge, Bhagalpur in connection with Mojahidpur (Babarganj) P.S. Case No. 66 of 2014.

So far as petitioner Nandlal Sah is concerned, though as per the seizure lists recovery cannot be prima facie treated to be from his possession, but since he is accused in other case of similar nature, this Court is not inclined to grant him bail

for the present.

Accordingly, the prayer for bail of petitioner
Nandlal Sah is rejected.

(Dinesh Kumar Singh, J)

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