

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42792 of 2015

Arising Out of PS.Case No. -8 Year- 2015 Thana -KUCHILA District- BHABHUA (KAIMUR)

Ranjan Kumar son of Ganesh Singh, resident of village-Kailashpur, Police Station-Kuchila, District-Kaimur. At present resident of Kedar Chauri, Police Station-Dawath, District-Rohtas.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Sandip Singh

For the Opposite Party : Mr. Shantanu Kumar(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 09-11-2015 A supplementary affidavit has been filed on behalf of the petitioner, same is kept on record.

Heard the counsel for the petitioner and counsel for the State.

The petitioner is languishing in jail since 15.03.2015 in a case instituted under Sections 15 and 18 of the NDPS Act.

As per prosecution case, it is a case of recovery of some narcotic substance from the possession of the accused persons.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 15.03.2015. Chargesheet has been submitted in the case. There is no allegation of tampering of evidence against the petitioner. The petitioner has no criminal antecedent. As per the prosecution case, the opium plant was

being cultivated on the land of this petitioner. From perusal of Annexure-4 to the supplementary affidavit, it would appear that the sale deed of the land in question does not bear the name of this petitioner, hence the petitioner is not the owner of the land on which the opium plant was being cultivated. There is no recovery of any contraband substance from the conscious possession of the petitioner, hence no offence under Section NDPS Act is attracted against the petitioner.

On behalf of the State, it has been submitted that the petitioner is named in the FIR.

Considering the aforesaid facts and circumstances, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Incharge Special Judge, Kaimur at Bhabua in connection with Kuchhila P.S.Case No.08 of 2015.

(Sudhir Singh, J)

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