

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33937 of 2014

Arising Out of PS.Case No. -20 Year- 2014 Thana -BARBIGHA District- SEKHPURA

1. Awdhesh Singh Son of Late Nand Kishor Singh Resident of Village -
Samash Bujurg, Post - Samas, Police Station - Barbigha, District -
Sheikhpura

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.34288 of 2014

Arising Out of PS.Case No. -20 Year- 2014 Thana -BARBIGHA District- SEKHPURA

1. Divakar Pandey @ Diwakar Pandey Son of Alha Bhola Pandey Resident
of Village - Samas Bujurg, P.S. - Barbigha, Distt. - Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.31558 of 2014

Arising Out of PS.Case No. -20 Year- 2014 Thana -BARBIGHA District- SEKHPURA

1. Karu Singh Son of Late Nand Kishor Singh Resident of village- Samash
Bujurg, Post- Samas, Police Station- Barbigha, District- Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.33937 of 2014)

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate

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

(In Cr.Misc. No.34288 of 2014)

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr. Anil Pd. Singh (App)

(In Cr.Misc. No.31558 of 2014)

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate

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

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

ORAL ORDER

2 27-03-2015

Heard learned counsels for the petitioners and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 20 (a) (b) of the Narcotics Drugs and Psychotropic Substances Act, 1985.

It is alleged that from the courtyard of petitioner Karu Singh 12 plants of ganja and from the courtyard of Awdhesh Singh and Divakar Pandey @ Diwakar Pandey each 6 plants of ganja were recovered.

It is submitted by the learned counsel for the petitioners that maliciously the petitioners have been roped in the present case and malicious nature of accusation is apparent from the fact that weights of the plants have been mentioned as 27 K.gs and 10 K.gs. The arbitrariness of the informant is apparent from the fact that the entire plant instead of actual ganja has been claimed to be weighed which apparently appears to be inflated weight. The plants seized were stray plants. The seizure was made on 17.01.2014 at 3.30 P.M. whereas First Information Report was registered at 5.30 P.M. on the same day but the First Information Report reached to learned Sessions Judge on 20.01.2014 which suggests ante dating of First Information Report. Moreover there is over writing with regard to time of

registration of the First Information Report. The recovery is from abandoned joint family courtyard. Statement has been made in para-3 of the petition that petitioners have not involved in any other cases.

Considering the above facts, let the above named petitioners be released on bail till conclusion of the investigation, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Munger in connection with Barbigha P.S. Case No. 20 of 2014, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

The bail bond of the petitioners shall be accepted by the learned court below on filing affidavit to the effect that they shall regularly cooperate during investigation. The said affidavit will be transmitted to the concerned I.O. The non-cooperation in the investigation will give liberty to the learned court below to cancel the bail bond of the petitioners.

(Dinesh Kumar Singh, J)

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