

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39844 of 2015

Arising Out of PS.Case No. -176 Year- 2014 Thana -KISHUNPUR District- SUPAUL

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Ashutosh Choudhary @ Ashutosh Kumar @ Ashu, Son of Ramesh Prasad Choudhary, resident of Village- Adaraha- Nauapakh, Police Station- Kisanpur, District- Supaul

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Y. C. Verma, Sr. Advocate
Mr. Arun, Advocate

For the Opposite Party/s : Mr. M.Rab (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 13-10-2015 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case instituted under Sections 20 and 22 of the Narcotic Drugs and Psychotropic Substances Act.

Allegation against the petitioner is that while sale and purchase of ganja was going on illegally in the house of the petitioner, informant along with police party raided the house and apprehended four persons along with 50 kg. ganja.

It has been submitted on behalf of the petitioner that he is in custody since 22.7.2015. Chargesheet has been submitted in the case. There is no allegation of tampering of evidence against the petitioner. From perusal of the F.I.R. it would appear that four persons were apprehended by police at the place of occurrence along with 50 kg ganja. Petitioner was not apprehended at the place of occurrence. His name was disclosed by co-accused. Hence, he has been made accused in the present case. From

perusal of para-6 of the supplementary case diary it would appear that investigating officer in course of investigation has found the house of the petitioner to be in an abandoned state and hence, the miscreants taking advantage of the situation were keeping the ganja in the said premises of the petitioner. Petitioner and his family were residing at Supaul and not at the place of occurrence.

On behalf of the State, it is submitted that the petitioner has been named by the co-accused in the F.I.R.

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 only) with two sureties of the like amount each to the satisfaction of learned Special Judge, N.D.P.S. , Supaul, in connection with Special Case no. 13 of 2014 arising out of Kisanpur P. S. Case no. 176 of 2014.

(Sudhir Singh, J)

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