

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2319 of 2016

Arising Out of PS.Case No. -77 Year- 2015 Thana -MARANCHI District- PATNA

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Raj Kumar Son of Awadh Mahto

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Pushpa Sinha(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 05-02-2016

Heard learned counsels for the petitioner and the
State.

The petitioner is languishing in custody since
17.08.2015 in a case registered for the offences punishable under
sections 20/22 of The Narcotic Drugs and Psychotropic
Substances act, 1985.

Prosecution case is that the petitioner while driving
a motorcycle co-accused Kare Lal Rai was travelling as a pillion
rider, who was carrying a bag. Both the petitioner and co-accused
Kare Lal Rai tried to escape but they were apprehended, on chase
and during search from the bag of Kare Lal Rai, 7 k.gs of 'Ganja'
were recovered.

It is submitted by learned counsel for the petitioner
that recovery cannot be treated from the possession of the
petitioner as he was driving the motorcycle and the bag was being

carried by co-accused Kare Lal Rai. A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

It is submitted by learned APP for the State that both the petitioners were travelling on the same motorcycle, hence, it cannot be said that the petitioner has no knowledge about the 'Ganja' being carried by the co-accused Kare Lal Rai.

Learned counsel for the petitioner further submits that the petitioner has no criminal antecedent, a statement to that effect has been made in paragraph no.3 of the petition. Moreover, the investigation has already concluded but without FSL report.

Considering the facts that actual recovery is from co-accused Khare Lal Rai and the petitioner has no criminal antecedent and the investigation has already concluded, 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 Additional Sessions Judge-XI, Patna, in connection with Special Case No.17/2015 arising out of Maranchi P.S. Case No.77/2015.

Ashwini/-

(Dinesh Kumar Singh, J)

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