

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9187 of 2016

Arising Out of PS.Case No. -213 Year- 2015 Thana -MASRAKH District- SARAN

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Kuldeep Rai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ved Prakash Srivastva

For the Opposite Party/s : Mr. Suman Kumari Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 24-02-2016

Heard learned counsels for the petitioner and the State.

The petitioner is languishing in custody since 24.07.2015 in a case registered for the offences punishable under sections 19, 20 of N.D.P.S. Act.

From the house of petitioner 155 sachets of Ganja were recovered.

It is submitted by learned counsel for the petitioner that the FIR does not reflect the weight of seized contraband. The petitioner is not accused in other cases of similar nature though a case under section 380 of the IPC was registered against the petitioner on the same date when the present FIR was registered merely on suspicion. Statement to that effect has been in paragraph 3 of the petition, which reads as follows:-

“3. That the petitioner has been made

accused in one more case on the same day bearing Mashrak P.S. case No. 212 of 2015 registered under section 380 of the Indian Penal Code. Thereafter the antecedent of petitioner is clean and he has not been made accused in any case on any earlier occasion.”

It is further submitted that investigation has already been concluded.

Considering the aforesaid facts, 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, Saran at Chapra in connection with NDPS case No. 7 of 2015 arising out of Mashrak P.S. Case No. 213 of 2015.

Let a copy of this order be placed before Superintendent of Police, Saran, Chapra to see the casual manner in which the informant registered the FIR and to consider to allow such police officers to register and investigate the cases under stringent provision of the NDPS Act.

(Dinesh Kumar Singh, J)

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