

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23916 of 2016

Arising Out of PS.Case No. -1 Year- 2016 Thana -KHUTAUNA District- MADHUBANI

1. GHURAN YADAV Son of Late Laxmi Yadav Resident of village -
Goth Narhiya, P.S. Laukahi, District - Madhubani

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.26990 of 2016

Arising Out of PS.Case No. -1 Year- 2016 Thana -KHUTAUNA District- MADHUBANI

1. Arbind Yadav Son of Musafir Yadav Resident of Village- Murali, P.S.
Phulparas, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.23916 of 2016)

For the Petitioner/s : Mr. Bimal Kumar, Advocate

For the State : Mr. Nirmal Kr. Sinha(App)

(In Cr.Misc. No.26990 of 2016)

For the Petitioner/s : Mr. Bimal Kumar, Advocate

For the State : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

5 30-09-2016 Heard learned counsel for the petitioners and
the State.

Petitioners are languishing in custody since
02.01.2016 in a case registered for the offences punishable
under Sections 20(b) and 22 of the Narcotics Drugs and
Psychotropic Substances Act.

The prosecution case is that informant being S.I.



of Khutauna Police Station during patrolling on 01.01.2016 at 3.30 A.M. found two persons were carrying two plastic bags on two bicycles. On chase, they were apprehended and from the bags 10.00 Kg. ganja was recovered. The accused persons disclosed their name as Ghuran Yadav and Arbind Yadav (petitioners). They admitted that they purchased the ganja from Nepal and they jointly brought it for the purposes of sell.

It is submitted by the learned counsel for the petitioners that recovery is between small and commercial quantity. Statement has been made in para-3 of the petition that petitioners have no criminal antecedent.

Learned counsel for the State Mr. Nirmal Kumar Sinha, in both the cases submits that though First Information Report suggests that the petitioners admitted that they purchased the alleged seized contraband from Nepal, but the case was not registered under Section 24 of the Narcotics Drugs and Psychotropic Substances Act. Moreover, on conclusion of investigation also, the Final Report (Charge-sheet) has been submitted only under Sections 20b and 22 of the Narcotics Drugs and Psychotropic Substances Act. Learned counsel for the State after going through the case diary does not dispute the quantity of recovery.

Considering the recovery between small and

commercial quantity, statement has been made in para-3 of the petition that petitioners have no criminal antecedent and investigation has already concluded, let the above named petitioners, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Ist Additional Sessions Judge, Madhubani in connection with Khutauna P.S. Case No. 01 of 2016.

The learned court below shall be at liberty to cancel the bail bonds of the petitioners in case the petitioners got involved in some serious offence or defaults without any reasonable cause on three consecutive occasions.

(Dinesh Kumar Singh, J)

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