

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12176 of 2016

Arising Out of PS.Case No. -380 Year- 2015 Thana -SAHEBPUR KAMAL District- BEGUSARAI
=====

Subhash Singh, son of Sri Rajeshwar Prasad Singh

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s
=====

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr. Lalan Kumar(App)
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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-04-2016

Heard learned counsels for the petitioner and the

State.

The petitioner is languishing in custody since 23.02.2016 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 on the eve of 2015 Assembly Elections the tea shop of petitioner was raided when 35 sachets of 'ganja', empty liquor bottles and other articles were recovered but the petitioner managed to escape from the scene.

It is submitted by learned counsel for the petitioner that the FIR does reflect actual weight of 'ganja' and from the accusation levelled in the FIR it appears that the recovered quantity within the small quantity. It is further submitted that

investigation has already concluded. Though the petitioner is accused in one other case but he is not accused in any other case under NDPS Act.

It is really shocking that the cases under N.D.P.S. Act having such an stringent provisions are being registered and investigated by such police officers who do not know how to follow the procedural safeguards. It is an weight based offence and the informant did not bother to mention weight of the seized contraband either in the FIR or in the case diary.

Considering the fact that actual weight has not been mentioned in the FIR neither the learned Sessions Judge has discussed about the same though the impugned order suggest that the learned Sessions Judge passed the order after going through the case diary, 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, Begusarai, in connection with Sahebpur Kamal P.S. Case No.380/2015 arising out NDPS Case No.6/2015.

(Dinesh Kumar Singh, J)

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