

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20995 of 2016

Arising Out of PS.Case No. -523 Year- 2015 Thana -FATUHA District- PATNA

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1. Anuj Kumar, son of Rameshwar Rai, resident of Naya Tola Raghapur, P.S.- Bakhtiyarpur, District - Patna, at Present Village- Ballatar, Raghapur, P.S.- Jurabanpur, District- Vaishali (in the house of his father-in-law, Ram Krishan Rai, Son of Parmeshwar Rai).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prashant Sinha

For the Opposite Party/s : Mr. Pranav Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 01-07-2016

A coordinate Bench of this Court vide order dated 13.05.2016 called for a report from the learned Additional Sessions Judge, II, Patna with regard to the over-writing in the formal part of the F.I.R, fardbeyan and seizure list as Fatuha P.S. Case No. 522 of 2015 has been made as Fatuha P.S. Case No. 523 of 2015.

The report of the learned Additional District & Sessions Judge, II, Patna dated 20.05.2016 at Flag-A reflects that in the records Fatuha P.S. Case No. 522 of 2015 has been made as Fatuha P.S. Case No. 523 of 2015 on the formal part of the F.I.R and endorsement on written report and the seizure list has been made to that effect.

Learned counsel Mr. Prashant Sinha having AOR No. 2901 being Advocate on record has argued the matter.

Petitioner is languishing in custody since

02.12.2015 in a case registered for the offences punishable under Sections 20 and 22 of the N.D.P.S. Act.

The prosecution case as per the written report of Devendra Kumar Singh, A.S.I of Fatuha Police Station is to the effect that on 02.12.2015 the informant along with the police force was on patrolling duty when the informant saw two persons coming on a motorcycle. The informant gave signal to stop but the pillion driver being petitioner started fleeing away with a bag in his hand who was apprehended with a bag containing 5 Kg of ganja.

It is submitted by learned counsel for the petitioner that petitioner has no criminal antecedent. A statement to that effect has been made in para 3 of the petition. Moreover the investigation has already concluded.

Mr. Pranav Kumar, learned counsel for the State does not controvert the quantity of recovery of ganja as 5 Kg.

Considering the quantity of recovery between small and commercial, petitioner having no criminal antecedent and investigation being concluded, let the petitioner, above named, 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 District & Sessions Judge-II, Patna in connection with Special Case No. 45 of 2015, arising out of Fatuha P.S. Case No. 523 of 2015.

The learned Court below will cancel the bail bonds of the petitioner, if the petitioner defaults for two consecutive occasions or gets substantially involved in similar nature of offence.

(Dinesh Kumar Singh, J)

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