

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.27626 of 2016**

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

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Dilip Kumar Son of Surendra Mahto resident of Village- Sitarampur,  
Rachiyahi Tola, P.S.- Matihani, District- Begusarai.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Ravi Shanker Pankaj

For the Opposite Party/s : Mr. Sri S. Ehteshamuddin

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**

ORAL ORDER

2      04-07-2016                      Heard learned counsel for the parties.

The petitioner is languishing in custody since 4.4.2016 in a case registered for the offence punishable under sections 20 and 22 of the N.D.P.S.Act.

Prosecution case is that one motorcycle was intercepted by the police, which was being driven by co-accused Raj Kumar alongwith the pillion rider Kare Lal Rai. From a bag recovered from the motorcycle 7 Kg. ganja was recovered. Subsequently the motorcycle was found registered in the name of the petitioner.

It is submitted by the learned counsel for the petitioner that as per prosecution case the recovery was made from Kare Lal Rai and Raj Kumar and the petitioner was not present on the motorcycle. In fact co-accused Raj Kumar Rai took the

motorcycle of the petitioner to get his father examined by the doctor when the recovery was made. Statement has been made in paragraph 3 of the application that the petitioner has no criminal antecedent.

Mr. J.N.Thakur, learned counsel for the State, admits that actual recovery was not made from the petitioner but the motorcycle on which two persons were travelling is found registered in the name of the petitioner.

Considering the fact that actual recovery was made from the two apprehended co-accused persons, let the petitioner, abovenamed, 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 the Addl. Sessions Judge XI, Patna cum Special Judge, N.D.P.S.Act in Special Case No. 17/2015 arising out of Maranchi P.S.Case No. 77/2015.

**(Dinesh Kumar Singh, J)**

Surendra/-

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