

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28079 of 2016

Arising Out of PS.Case No. -244 Year- 2015 Thana -DELHA District- GAYA

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Kanhaiya Kumar son of Lavkush Paswan resident of Mohalla- Barki Delha
Vijay Bigha, P.S.- Delha, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh

For the Opposite Party/s : Mr. Sri Tarun Prasad Mandal

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

ORAL ORDER

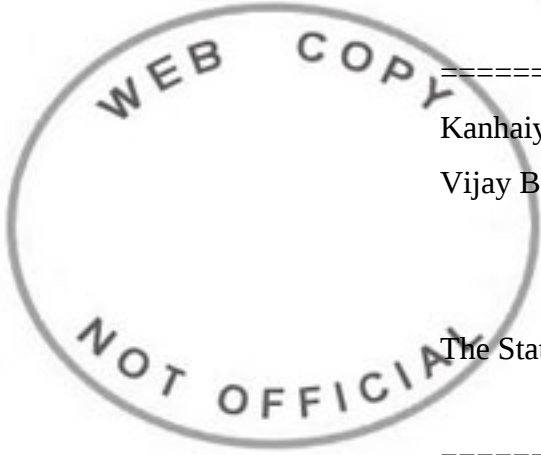
03/ 11-08-2016

Heard learned counsels for the petitioner
and the State.

The petitioner is languishing in custody
since 02.12.2015 in a case registered for the offences punishable
under Sections 414 of the Indian Penal Code and 22 of NDPS Act.

From the possession of the petitioner two
mobiles and seven sachets of Charas were recovered.

It is submitted by learned counsel for the
petitioner that the seizure list does not contain the weight of the
seized contraband. Hence, the presumption of the recovery is of



small quantity.

Learned counsel for the State Mr. Tarun Prasad Mandal after going through the case diary submits that the weight of the seized contraband has not been recorded during investigation and the investigation has already concluded.

Though, statement has been made in paragraph 3 of the petition that the petitioner is accused in six other cases but in paragraph 10 of the petition statement has been made that the petitioner is on bail in all six cases, which reads as follows:-

“That the petitioner is accused in six other cases. But the petitioner has granted bail in all six cases.

Considering the nature of recovery and the weight has not been recorded either in the seizure list or the case diary, let the above named petitioner, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 9th Additional Sessions Judge, Gaya in connection with Delha P.S. Case No. 244 of 2015.

The learned court below will be at liberty to cancel the bail bonds of the petitioner in two eventualities i.e. if he

defaults for two consecutive occasions or substantially gets involved in similar nature of offence.

(Dinesh Kumar Singh, J)

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