

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32903 of 2016

Arising Out of PS.Case No. -808 Year- 2015 Thana -SAHARSA District- SAHARSA

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Mithu Kumar S/o Umesh Prasad Yadav @ Umesh Yadav Resident of
village- Bhajanpatti, Police Station and Distric- Saharsa

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh

For the Opposite Party/s : Mr. Rajkishore Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 04-08-2016

Heard learned counsel for the parties.

The petitioner is languishing in custody since 30.9.2015 in a case registered for the offences punishable under sections 20, 22 of the N.D.P.S.Act.

Prosecution case is that the S.H.O. of Saharsa Sadar Police Station received confidential information that one Ram Bilash Yadav of village Bjajanpatti has kept Ganja in his house when the house of Ram Bilash Yadav was raided and 1 Kg. 800 grams Ganja kept in plastic bag, three packets of Cigarette and plastic bag weighing 900 grams were recovered. At the instance of Ram Bilash Yadav shop of the petitioner was raided and 1 Kg. 800 grams Ganja and 52 sachets of Ganja weighing 260 grams were recovered. Hence, the total recovery of Ganja was 2 Kg. 60 grams.

It is submitted by the learned counsel for the petitioner

that recovery is from the wooden shop and the statement has been made in paragraph 3 of the application that the petitioner has no criminal antecedent.

Learned counsel for the State does not controvert the quantity of recovery.

Considering the fact that the recovery of Ganja is between the small and commercial quantity, petitioner having no criminal antecedent and the petitioner has remained in jail for more than ten months, 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 I cum Special Judge, Saharsa in Special Case No. 13/2015 arising out of Saharsa Sadar P.S.Case No. 808/2015.

The bail bonds of the petitioner shall be accepted by the learned court below on filing affidavit that he will regularly co-operate in the investigation. Non-cooperation in the investigation or in case of default in appearing in court for two consecutive occasions or getting substantially involved in similar nature of offence will give liberty to the learned court below to cancel the bail bonds of the petitioner.

(Dinesh Kumar Singh, J)

Surendra/-

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