

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36058 of 2016

Arising Out of PS.Case No. -173 Year- 2016 Thana -NAUBATPUR District- PATNA

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1. Subhash Kumar S/o Late Biswanath Sao R/o village - Naubatpur Bazar,
P.S. Naubatpur, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Advocate

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-08-2016

Heard learned counsel for the petitioner and the
State.

Petitioner is languishing in custody since
12.06.2016 in a case registered for the offences punishable
under Sections 8, 20(b) (ii), (c), 25, 29 of the Narcotics
Drugs and Psychotropic Substances Act.

On secret information the house of Suraj Sao
was raided when one person escaped with two packets of
ganja and three others sitting in the said house were
apprehended, namely, Arjun Rai, Ramesh Kumar and the
petitioner Subhash Kumar. From the possession of Arjun
Rai 900 gram ganja was recovered and from a cot 2 Kg.
ganja was recovered. From the possession of co-accused
Ramesh Kumar one mobile was recovered. On enquiry, it
was found that the house was of Suraj Sao, who escaped

from the house with two packets of ganja.

It is submitted by the learned counsel for the petitioner that admittedly there is no recovery of ganja from the possession of the petitioner. The petitioner was simply found sitting in the house of Suraj Sao. Statement has been made in para-3 of the petition that petitioner has no criminal antecedent.

It is submitted by Mr. J.N. Thakur, learned counsel for the State that the recovery of 2 Kg. ganja was made from a cot on which the petitioner and others were sitting.

Considering the fact that the recovery was admittedly made from the house of Suraj Sao and the statement made in paragraph-3 of the petition that the petitioner has no criminal antecedent, 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 Additional District & Sessions Judge-II, Patna in connection with Naubatpur P.S. Case No. 173 of 2016.

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 co-operation in the investigation or in case of default in appearing before the learned court below 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)

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