

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26561 of 2016

Arising Out of PS.Case No. -32 Year- 2016 Thana -MANSURCHAK District- BEGUSARAI

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Bindeshwar Sah @ Bhutu Sah S/o Late Dhanik Lal Sah R/o vill. - Samsa,
P.S. Mansoorchak, Distt. - Begusarai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey

For the Opposite Party/s : Mr. Sri Arun Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 30-08-2016

Heard learned counsels for the petitioner and
the State.

The petitioner is languishing in custody since
09.05.2016 in a case registered for the offences punishable under
Sections 20(ii)(C) and 22(c) of the NDPS Act.

From the shop of the brother of the petitioner,
namely, Parmeshwar Sah in 91 sachets 300 grams Ganja were
recovered whereas from the house of Parmeshwar Sah 2 kgs. 200
grams Ganja were recovered.

It is submitted by learned counsel for the
petitioner that the recovery has actually not been made from the
petitioner. The FIR suggests recovery from the shop and house of
Parmeshwar Sah whereas the seizure list reflects that 2 kgs. 200

grams Ganja were recovered from the house of the petitioner. It is further submitted that even assuming the recovery it is between small and commercial quantity and statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Learned APP after going through the record submits that the FIR suggests both recoveries have been made from Parmeshwar Sah but the seizure list suggests that recovery of 2 kgs. 200 grams Ganja has been made from the house of the petitioner and such confusion has been created since the petitioner is own brother of Parmeshwar Sah.

Considering the recovery between small and commercial quantity, 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 Sessions Judge –cum- Special Judge, NDPS, Begusarai in connection with NDPS Case No. 07 of 2016 arising out of Mansoorchak P.S. Case No. 32 of 2016.

(Dinesh Kumar Singh, J)

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