

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39189 of 2016

Arising Out of PS.Case No. -129 Year- 2015 Thana -KUCHAIKOTE District- GOPALGANJ

Mithilesh Yadav @ Mithles Yadav son of Wakil Yadav Resident of
Village- Maniyara, Police Station - Kuchaikote, District- Gopalganj

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s : Mr. Sri Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 22-09-2016

Heard learned counsels for the petitioner
and the State.

The petitioner is apprehending arrest in a
case registered for the offences punishable under Sections 8, 20
and 22 of the NDPS Act.

The prosecution case is that the informant
being SHO of Kuchaikote Police Station on secret information
raided the hutment of one Daroga Yadav and from there 36 kgs.
Ganja were recovered. It is alleged that the petitioner and others
were found fleeing away from the hutment.

It is submitted by learned counsel for the

petitioner that admittedly the recovery has been made from the hutment of Daroga Yadav and petitioner has no criminal antecedent. Statement to that effect has been made in paragraph 3 of the petition, which reads as follows:-

“That the petitioner has got no criminal history.”

Mr. J.N. Thakur, learned counsel for the State, does not dispute that there is no recovery from the petitioner rather recovery has been made from the hutment of Daroga Yadav.

Considering the aforesaid facts, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, 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, Gopalganj in connection with Kuchaikote P.S. Case No. 129 of 2015, Trial No. 25 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bond of the petitioner shall be accepted by the learned court below on filing affidavit to the effect that petitioner will regularly co-operate in the

investigation. The non-cooperation in investigation will give liberty to the learned court below to cancel the bail bonds of the petitioner.

(Dinesh Kumar Singh, J)

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