

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29300 of 2016

Arising Out of PS.Case No. -31 Year- 2016 Thana -RANIGANJ District- ARRARIA

Mithu Nayak @ Dhirendra Kumar Nayak @ Mithu, son of Hari Narayan
Nayak, Resident of village-Kalawati Nagar, Ward No. 8, Raniganj, P.S.
Raniganj, District- Araria.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma

For the Opposite Party/s : Mr. Sri Anil Prasad Singh

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

2 27-07-2016

Heard learned counsel for the parties.

The petitioner is languishing in custody since 31.5.2016
in a case registered for the offences punishable under section
20/22 of the N.D.P.S.Act.

From the house of the petitioner 4.2 Kg. Ganja was
recovered. The petitioner is alleged to have escaped from the
scene.

It is submitted by the learned counsel for the petitioner
that recovery has been made from the joint family house.
Statement to that effect has been made in paragraph 8 of the
petition. Seizure list neither bears the signature of the petitioner
nor any of the family members nor seizure list reflects that the
seizure was made from which portion of the house occupied by

which co-sharer. Statement has been made in paragraph 3 of this petition that the petitioner has no criminal antecedent. The seizure was made on 30.1.2016 at 4.30 PM but the F.I.R. was registered on 30.1.2016 at 9.15 PM whereas distance of P.S. was one and half K.M. from the place of seizure. It is also surprising that the F.I.R. reached to the Court of learned I/c Special Judge on the same day i.e. 30.1.2016, which clouds the accusation of recovery.

Considering the aforesaid facts, 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 Sessions Judge cum Special Judge, Araria in Raniganj P.S. Case No. 31/2016, Special Case No. 6/2016.

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-cooperation in the investigation or in case of default in appearing before the learned court below for two consecutive occasions or on 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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