

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40766 of 2016

Arising Out of PS.Case No. -185 Year- 2016 Thana -CHATOUNI District-
EASTCHAMPARAN(MOTIHARI)

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Rajesh Kumar S/o Shobhita Paswan, R/o Chota Bariyarpur P.S. Chhatauni
District East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam

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

ORAL ORDER

02/ 22-09-2016

Heard learned counsels for the petitioner and

the State.

The petitioner is languishing in custody since
27.07.2016 in a case registered for the offences punishable under
Sections 20B, 22, 23 and 24 of the NDPS Act.

The prosecution case is that on secret
information that trade of Ganja is going on the house of Sitaram
Paswan was raided when four persons Kripa Singhj, Jaiprakash
Choudhary, Manoj Kumar and the petitioner Rajesh Kumar were
found smoking Ganja, From the possession of Kripa Singh 1.500
kgs. Ganja were recovered along with two Chilams (smoking
equipments).



It is submitted by learned counsel for the petitioner that, in fact, only on suspicion the accusation has been levelled when they were sitting in the house of Sitaram Paswan. There is no recovery from the possession of the petitioner and a statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent. Moreover, from the accusation no offence under Section 24 of the NDPS Act is made out as there is no accusation of dealings in narcotic and psychotropic substance outside of India or supplied to any person outside of India in contravention of Section 12 of the NDPS Act, hence, embargo under Section 37 of the NDPS Act is not attracted.

Mr. Mrityunjaya Kumar Gautam, learned counsel for the State, does not controvert the contention of the learned counsel for the petitioner that there is no recovery from the possession of the petitioner.

Considering the fact that there is no recovery from the petitioner coupled with 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 Sessions Judge –cum- Special Judge, East Champaran at Motihari in connection with

N.D.P.S. Case No. 39 of 2016 arising out of Chhatauni P.S. Case
No. 185 of 2016.

(Dinesh Kumar Singh, J)

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