

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4623 of 2016

Arising Out of PS.Case No. -35 Year- 2013 Thana -GARDANIBAGH District- PATNA

=====

Santosh Kumar @ Santosh Rai, age 26 years, son of Late Jagdish Rai,
Resident of Mohalla- Dirhachak, Anisabad, P.S- Gardanibagh, Dist- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Saroj

For the Opposite Party/s : Mr. Sucheta Yadav(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 28-01-2016

Heard learned counsels for the petitioner and

the State.

The petitioner is languishing in custody since 04.07.2014 which has wrongly been recorded in the impugned order, statement to that effect has been made in paragraph 1 of the petition, in a case registered for the offences punishable under Sections 22/23 of the NDPS Act.

The prosecution case is that a raid was conducted in Quarter No. 47 of Road No. 10 of Gardanibagh when 364 sachets of smack were recovered. One person was apprehended from the place of seizure, namely, Rakesh Kumar when the others managed to escape from the scene. The apprehended accused disclosed the name of other accused persons including the petitioner.

It is submitted by learned counsel for the petitioner that recovery has not been made from the possession of the petitioner. The seized smack was not weighed and considering the same the apprehended accused Rakesh Kumar has been granted bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 20615 of 2014. The investigation has already concluded.

Considering the fact that the investigation has already concluded, though the petitioner is accused in other case of similar nature before, but since the co-accused who was apprehended on the spot has been granted bail, 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 Sessions Judge VII, Patna in connection with Special Case No. 5(S) of 2013 arising out of Gardanibagh P.S. Case No. 35 of 2013.

The learned court below will be at liberty to cancel the bail bonds of the petitioner, if he defaults for two consecutive occasions.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--