

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15747 of 2016

Arising Out of PS.Case No. -125 Year- 2015 Thana -AMAS District- GAYA

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Mukesh Yadav son of Ramchandra Yadav.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Vinod Shankar Modi (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 23-05-2016

Heard learned counsels for the petitioner and the State.

The petitioner is languishing in jail since 17.08.2015 in a case registered for the offences punishable under Section 414 of the Indian Penal Code and Sections 20 and 22 of the NDPS Act.

The prosecution case is that during vehicle check, a truck was intercepted and from the truck, 80 kgs. of ganja containing in four bags, 2 kgs. of Afeem and 40 grams of Doda were recovered. The driver of the truck Rajendra Bahadur and cleaner Binod Kumar were apprehended. The truck driver disclosed that the truck was going from Calcutta to Ludhiyana, Punjab when on the way he got down in the night to ease when the petitioner got the articles loaded in the truck.

It is submitted by learned counsel for the petitioner that admittedly the recovery has not been made from the petitioner.

The petitioner has simply been roped in the present case since earlier he was made accused in case of similar nature in which he is on bail and except confession of the driver of the truck which does not inspire confidence, nothing has been collected during investigation. Moreover, investigation has already concluded.

Learned APP after going through the case diary submits that only evidence collected against the petitioner is confession of the truck driver.

Considering the fact that recovery has not been made from the petitioner, let the above named petitioner be released on bail, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Gaya in connection with Amas P.S. Case No. 125 of 2015.

(Dinesh Kumar Singh, J)

Amrendra/-

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