

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21677 of 2016

Arising Out of PS.Case No. -234 Year- 2015 Thana -PATNA CITY CHOWK District- PATNA

1. Mukesh Chaudhary @ Mukesh Kumar @ Nepali Son of Chanarik Chaudhary Resident of Mohalla/ Village -Maner PS Maner, District Patna, Present residing in the house of Shri Siya Ram Mahto, Mohalla Kasha, PS Mehdiganj, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nityanand Tiwary(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-05-2016

Heard learned counsel for the petitioner and the State.

Petitioner is languishing in custody since 11.10.2015 in a case registered for the offences punishable under Sections 399, 402, 120B of the Indian Penal Code, 18, 22, 24, 25 of the Narcotics Drugs and Psychotropic Substances Act and 25(1-B)a, 26, 35 of the Arms Act.

The prosecution case is that from the possession of the petitioner 30 sachets of ganja and mobile were recovered.

Learned counsel for the petitioner submits that from the accusation levelled against him no offence under Section 24 is made out as there is no accusation of dealings in Narcotics Drugs and Psychotropic Substances in Contravention of Section 13 of the Act. Though, it is

submitted by the learned counsel for the petitioner that petitioner is accused in one other case registered under Sections 379 and 461 of the Indian Penal Code, but due to wrong instruction a statement was made in para-3 of the petition that petitioner has no criminal antecedent.

Learned counsel for the State Mr. J.N. Thakur does not controvert the contention of learned counsel for the petitioner that no case under Section 24 of the Narcotics Drugs and Psychotropic Substances Act is made out and the weight of seized contraband has not been mentioned in the F.I.R. Moreover, the investigation has already concluded.

Considering that weight of seized sachets has not been mentioned in the First Information Report, 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 A.D.J.-II, Patna in connection with Special Case No. 34 of 2015, arising out of Chauk P.S. Case No. 234 of 2015.

It is expected from the learned court below to conclude the trial expeditiously.

(Dinesh Kumar Singh, J)

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