

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32973 of 2016

Arising Out of PS.Case No. -173 Year- 2016 Thana -NAUBATPUR District- PATNA

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Ramesh Kumar son of late Rajeshwar Paswan, Resident of Village Arap
P.S. Bikram, District Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar

For the Opposite Party/s : Mr. Mustaque Alam

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

ORAL ORDER

2 04-08-2016

Heard learned counsel for the parties.

The petitioner is languishing in custody since 12.6.2016
in a case registered for the offences punishable under sections 8,
20(b)(ii)(c), 25, 29 of the N.D.P.S.Act.

On secret information the house of Suraj Sao was raided
when one person escaped with two packets of Ganja and three
others sitting in the said house were apprehended, namely, Arjun
Rai, Subhash Kumar and the petitioner Ramesh Kumar. From the
possession of Arjun Rai 900 gram Ganja was recovered and from
a cot 2 Kg. Ganja was recovered. From the possession of the
petitioner one mobile was recovered. On enquiry it was found that
the house was of Suraj Sao, who escaped from the house with two
packets of Ganja.

It is submitted by the learned counsel for the petitioner
that admittedly there is no recovery of Ganja from the possession

of the petitioner. The petitioner was simply found sitting in the house of Suraj Sao. Statement has been made in paragraph 3 of the application that the petitioner has no criminal antecedent.

It is submitted by Mr. J.N.Thakur, learned counsel for the State, that the recovery of 2 Kg. Ganja was made from a cot on which the petitioner and others were sitting.

Considering the fact that the recovery was made admittedly from the house of Suraj Sao and the statement made in paragraph 3 of the application that the petitioner has no criminal antecedent, 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, Patna in Special Case No. 28/2016 arising out of Naubatpur P.S.Case No. 173/2016.

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 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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