

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24806 of 2017

Arising Out of PS.Case No. -69 Year- 2017 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

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1. Vinay Kumar Son of Misnilal Prasad @ Misrilal Resident of Village-
Agarwa, P.S. - Ghorasahan (Jitna), District-East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Sri Sanjay Kumar Sharma

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 01-06-2017 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with NDPS
Case No. 18 of 2017 arising out of Ghorasahan P.S. Case No. 69
of 2017 registered for the offences punishable under Sections 20,
22, 23 and 24 of the NDPS Act.

Allegedly, acting on a tip of, informant Pradeep
Kumar, ASI reached near Ghorasahan Railway Station and after
the seeing raiding party, petitioner and co-accused, after leaving
the motor-cycle, started fleeing away and on chase both were
apprehended. From possession of these accused persons 7.25 kg.
Ganja were recovered.

Submission is of false implication and the petitioner
has no concern with the alleged seized Ganja. There has been non-
compliance of mandatory provision of search and seizure as
contemplated under NDPS Act. It has not been stated as to from



whose provision contraband particles have been recovered. It has further been contended that authority who made search and seizure is neither empowered nor authorized for such action under the Act. Petitioner is suffering in custody since 24.02.2017. He has got no criminal antecedent and, as such, he deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of bail.

In the facts and circumstances stated above, the above named petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, NDPS, East Champaran at Motihari in connection with NDPS Case No. 18 of 2017 arising out of Ghorasahan P.S. Case No. 69 of 2017 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(S. Kumar, J)

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