

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36309 of 2017

Arising Out of PS.Case No. -21 Year- 2017 Thana -RANIYATALAB District- PATNA

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Divyanshu Kumar @ Divyanshu Kumar Sharma S/o Krishna Dhar Singh
R/o Village - Kab, P.S. - Rani Talab, District - Patna.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Ms. Kumari Jyoti, Advocate

For the Opposite Party/s : Mr. Nityanand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 10-08-2017

Heard learned counsel for the petitioner and

the learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Rani Talab P.S. Case No. 21/2017 registered for the offence punishable under Sections 20, 22 of the N.D.P.S. Act.

The learned Sessions Judge, Patna vide Special Case No. 31/2017 rejected the regular bail application of the petitioner on 17.04.2017.

Learned counsel for the petitioner submits that a bare perusal of the First Information Report would show that whole allegation against this petitioner is that towards the eastern side of his hotel and near the water pump (Chapanal) one plant of Ganja was found grown up.



Learned counsel for the petitioner submits that *prima facie* the alleged plant of Ganja has not been found in the premises of the hotel rather said to have been grown towards the eastern side of the hotel, the identity of land is also not established, and in any case the petitioner is in custody for six months by now on the allegation of one Ganja plant having been found towards the eastern side of his hotel.

Learned counsel further submits that the petitioner is not in good term with the local police and has been falsely implicated in two other cases earlier in which the petitioner has got bail and now the petitioner has also been involved in Rani Talab P.S. Case No. 20/2017 on the same day when the petitioner was involved in the present case.

Learned Additional Public Prosecutor for the State though opposes the prayer for bail but admits the factual position that in the present case there is only allegation that one Ganja plant was found grown up towards the eastern side of the hotel near the Chpanal. It is admitted position that a charge-sheet has already been submitted in the present case.



Considering the facts and circumstances of the case and that the investigation is already over and petitioner is in custody for six months approximately, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand only) with two sureties of the like amount each to the satisfaction of the learned District and Sessions Judge, Patna, in connection with Rani Talab P.S. Case No. 21/2017, subject to condition as laid down under Section 437(3) of the Code of Criminal Procedure.

(Rajeev Ranjan Prasad, J.)

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