

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41676 of 2017

Arising Out of PS.Case No. -304 Year- 2016 Thana -SIRDALA District- NAWADA

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1. Manoj Singh, Son of Kameshwar Singh, resident of Village:- Bargawn,
P.S.: Sirdala, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hansraj

For the Opposite Party/s : Smt Renu Kumari

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 19-09-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Special
(N.D.P.S.) Case No. 06/2016, arising out of Sirdala P.S. Case No.
304/2016 for offences punishable under Sections 20, 22, 24 of the
NDPS Act.

The prosecution case, as lodged by the police
personnel, is that on secret tip off the house of the petitioner was
searched and during search ganja plants was found on the
boundary of the house of the petitioner. On weight, it was found to
be of 10 kgs. Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the



petitioner that he is innocent, bears no criminal history and nothing has been recovered from his conscious possession. The plants were grown on the boundary wall, which cannot be said to be his property. He submits that dried and green ganja plants were found, green plants are not fit for consumption and after drying up the weight would not be 10 kgs, even otherwise it was less than the commercial quantity. He further submits that charge-sheet has already been submitted, there is no allegation of tampering of the prosecution witnesses by the petitioner and that seizure-list has not been prepared in accordance with Section 100 of the Cr.P.C.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District & Sessions Judge cum Special Judge, NDPS Act, Nawada, in connection with Special (N.D.P.S.) Case No. 06/2016, arising out of Sirdala P.S. Case No. 304/2016, subject to the condition that both the bailors would be close relatives of the petitioners having sufficient immovable property, who will file an



affidavit stating their relationship with the petitioner and if the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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