

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44540 of 2016

Arising Out of PS.Case No. -61 Year- 2015 Thana -MAINATAND District-
WESTCHAMPARAN(BETTIAH)

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BRIJESH PATEL @ BRAJESH PATEL, son of Late Bhagan Patel,
resident of village- Singhpur, P.S. Sathi, District- West Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Y.C.Verma, Sr. Adv.

Mr. Sharad Kumar Verma, Adv.

For the Opposite Party/s : Mr. Sri Satya Nand Shukla, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4 08-03-2017

Heard Sri Y.C.Verma, learned Senior Counsel,

assisted by Sri Sharad Kumar Verma, learned counsel for the
petitioner and Sri S.N.Shukla, learned Addl. Public Prosecutor.

The sole petitioner, who is in custody since
28.04.2016 in Mainatand P.S. Case No.61 of 2015 registered for
the offence under Sections 20,22, 23, 24, 27A, 29 of the Narcotic
Drugs and Psychotropic Substances Act, has prayed for grant of
bail.

At the very outset, Sri Verma, learned counsel
appearing on behalf of the petitioner submits that from the spot no
one was apprehended and, as such, F.I.R. was lodged against
unknown. A plea has been taken that the petitioner's motorcycle
was hired by one of the accused and while he was using the



motorcycle, from the said motorcycle ganja was recovered, which was lesser than the commercial quantity. By way of referring to the statement made in paragraph-3 of the petition, it has been argued that the petitioner is having clean antecedent.

Learned Addl. Public Prosecutor has opposed the prayer for bail of the petitioner.

However, considering the fact that the recovered ganja was lesser than the commercial quantity and on spot the petitioner was not arrested as well as the fact that the petitioner is having clean antecedent, let the petitioner, namely, Brijesh Patel @ Brajesh Patel 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 learned 6th Addl. Sessions Judge, West Champaran at Bettiah in Trial no.24 of 2016 arising out of Mainatand P.S. Case No.61 of 2015.

(Rakesh Kumar, J)

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