

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27634 of 2017

Arising Out of PS.Case No. -39 Year- 2017 Thana -DALSINGHSARAI District- SAMASTIPUR

=====

Ashok Kumar, son of Navdeep Rai, resident of Village Mallikpur, P.S.
Raghopur, District Vaishali

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Sinha
Mr. Yashpal Yadav

For the Opposite Party/s : Mr. Pancha Nand Pandit

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 26-07-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 19.02.2017 in connection with N.D.P.S. Case No. 06/17, arising out of Dalsingsarai P.S. Case No. 39/2017 for offences punishable under Sections 8/20(c), 25 of the N.D.P.S. Act.

The prosecution case, as lodged by the police raiding party, is that they intercepted one truck and one Bolero vehicle in which six persons including the petitioner were boarded. After search 72 packets each containing 10 kgs ganja from the truck and 10 packets each containing 5 kgs from the Bolero vehicle including mobile and cash were recovered, and, accordingly, 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, rather as per statement of Sant of the Math he is a Kabirpanthi and was attending a Satsang on the same day and while returning after taking bath in river Ganga, he took lift in the said Bolero vehicle from where the said contraband ganja was seized. He submits that he has no connection with the said Bolero and the truck coming behind and that there was non-compliance of Section 50 of the N.D.P.S. Act and Section 100 of the Cr.P.C. as search was not made before a Gazetted Officer or the Magistrate, as is evident from the seizure-list and that the petitioner was produced before the Magistrate after two days of his arrest, which also falsifies the prosecution case. It is further submitted that even otherwise the ganja seized from the Bolero vehicle was less than the commercial quantity and three persons were sitting in the vehicle, hence, ganja seized from the vehicle cannot be attributable only to the petitioner. He submits that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

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 and Sessions Judge, Samastipur, in connection with N.D.P.S. Case No. 06/17, arising out of Dalsingsarai P.S. Case No. 39/2017, subject to the condition that both the bailors would be close relative of the petitioner, who would have sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating their relationship with the petitioner.

(Nilu Agrawal, J)

Rajesh/-

U		T	
---	--	---	--

