

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53898 of 2017

Arising Out of PS.Case No. -261 Year- 2017 Thana -KOTWALI District- PATNA

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Jagdish Rai, Son of Pratap Rai, resident of Village – Juravanpur, P.S.-
Juravanpur Tarari, District-Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Sanjay Kumar, Advocate.

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP.

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**
ORAL ORDER

2 10-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in Special Case No. 77 of
2017 arising out of Kotwali P.S. Case No. 261 of 2017 registered
under Sections 18(B), 20(B), 21(C) and 22(C) of the NDPS Act.

9.5 kg ganja is said to have been recovered from the
possession of the petitioner.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from conscious
physical possession of the petitioner and no such occurrence as
alleged ever took place. As a matter of fact, the petitioner has been
falsely implicated in this case by the police by concocting false
story which is evident from the fact that the self statement of the
informant was recorded by himself on 30.05.2017 at around 9 PM



at Station Golambar Near Police Help Line, P.S. Kotwali, District Patna. The said statement is computerized one and it is not acceptable that the informant had taken printer along with the laptop at the place of occurrence. Moreover, the Magistrate is said to have been summoned by him from the HQ located at Gandhi Maidan at 08:15 PM and he arrived at the place of occurrence within short span of time at 08:20 PM which is quite impossible in such a pick hour of traffic in Patna. The recovered quantity of contraband is not of commercial quantity. The petitioner has been languishing in custody since 01.06.2017.

Considering the facts aforesaid, the above named petitioner is directed to 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 the learned Special Judge, Patna in connection with Special Case No. 77 of 2017 arising out of Kotwali P.S. Case No. 261 of 2017.

(Prakash Chandra Jaiswal, J)

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