

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16051 of 2016

Arising Out of PS.Case No. -158 Year- 2015 Thana -GUTHNI District- SIWAN

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1. Lal Babu Singh

2. Sunil Singh

Both sons of Late Ram Ekbal Singh residents of Village- Jogia Dih, P.S.-
Guthani, District- Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kaushal Kishore Mishra

For the Opposite Party/s : Mr. Uday Pratap Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

02/ 15.02.2017

Heard learned counsels for the petitioners

and the State.

The petitioners have renewed their prayer for
bail in a case registered for the offences punishable under Sections
21 and 22 of the NDPS Act on the ground that during
consideration of the earlier bail application it was wrongly
submitted that the recovery was made from the house of the
petitioners rather the recovery was made from the possession of
Poonam Devi, wife of petitioner no. 1, who has been granted bail
by a co-ordinate Bench of this Court.

Learned counsel for the petitioners has drawn
my attention to the FIR which suggests that on 17.09.2015 on the



eve of Bihar Legislative Assembly election one person was apprehended at Mehrauna bridge Check Post, who disclosed his name as Sudarshan Singh, from whose possession two packets of ganja weighing 500 gms. and 1 kg. were recovered. On his confession the house of these petitioners was raided when wife of petitioner Lal Babu Singh came out of the house and started walking away when she was apprehended and from whose possession 7 kgs. ganja, 60 gms. heroin, 10 gms. afim and Rs.1,38,300/- were recovered when she confessed that her husband and brother-in-law (Dewar), both the petitioners, used in deal in trafficking of the narcotics.

It is submitted by learned counsel for the petitioners that earlier bail application of the petitioners was rejected on the ground that the recovery was made from the house of the petitioners but actually recovery was made from Poonam Devi, the wife of petitioner Lal Babu Singh. It gets reflected from the FIR that actually recovery was made from Poonam Devi. It is further submitted that the petitioners have no criminal antecedent and Poonam Devi has been granted bail by a co-ordinate Bench of this Court vide order dated 03.03.2016 passed in Cr. Misc. No. 54819 of 2015 whereas co-accused Sudarshan Singh, from whom also the recovery was made, has been granted bail by another



Bench of this Court vide order dated 30.11.2015 passed in Cr. Misc. No. 53814 of 2015.

Considering the fact that the recovery has not been made from the petitioners, both the persons Sudarshan Singh and Poonam Devi from whom recoveries have been made, have been granted bail by co-ordinate Benches of this Court and a statement has been made in paragraph no. 3 of the petition that the petitioners have no criminal antecedent, let the above named petitioners, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Siwan in connection with Guthani P.S. Case No. 158 of 2015.

The learned court below will be at liberty to cancel the bail bonds of the petitioners, if they default for two consecutive occasions.

(Dinesh Kumar Singh, J)

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