

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5628 of 2017

Arising Out of PS.Case No. -130 Year- 2016 Thana -JOGBANI District- ARRARIA

=====

Arbind Yadav, Son of Fulo Yadav, Resident of Village- Bishanpur, P.S.-
Jogbani, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Union of India, through the Assistant Deputy Commandant, S.S.B.,
Bathnaha Camp, District Araria (Bihar).

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ambika Bhagat

For the Opposite Party/s : Smt. Pronati Singh

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 22-02-2017 Heard both sides.

The petitioner seeks bail in connection with Jogbani
P.S. Case No. 130 of 2016, instituted for the offence punishable
under Sections 20/22 of N.D.P.S. Act.

The informant happens to be S.H.O. Jogbani Police
Station. He in his written report has stated that on 06.09.2016, in
course of patrolling duty, he arrested one Surendra Giri while he
was carrying 8 Kg. ganja. The said Surendra Giri, in course of,
interrogation disclosed that the said ganja belonged to this
petitioner who had given him an amount of Rs. 500/- for
transportation.

Learned counsel for the petitioner submits that this
petitioner has no concern with the alleged recovery. The recovery



was made in the dead of night, at which time, no independent witness is supposed to be present at the place of occurrence. The confession was allegedly made after 32 hours of the alleged recovery which makes the prosecution case doubtful.

Learned APP, on the other hand, opposed the submissions.

From the written report, it appears that the police recovered ganja at about 01:15 AM on 06.09.2016. The confessional statement was recorded on 07.09.2016 at about 09:45 PM i.e. more than 32 hours of the alleged recovery. There is no antecedent against the petitioner on record and his name surfaced in confessional statement of FIR named sole accused.

In the facts and circumstances of the case, the prayer of bail application is allowed. The petitioner, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Araria-cum-Spl. Judge N.D.P.S. Act in connection with Jogbani P.S. Case No. 130 of 2016.

(Sanjay Kumar, J)

rohit/-

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

