

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8804 of 2018

Arising Out of PS.Case No. -139 Year- 2017 Thana -KHUSRUPUR District- PATNA

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Sambhaw Rakhecha @ Shambhu, Son of late Paonam Chand Rakhecha,
Resident of Village-Dalkola Subhash Palli Ward No. 8, P.S. Dalkola
Subhas Palli, District- Dinachapur(West Bengal)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pathak, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 08-03-2018 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

The petitioner is in custody since 20.07.2017 in connection with Special Case No.101 of 2017 arising out of Khusrupur P.S. Case No.139 of 2017 registered for the offence under Sections 399, 402, 353, 307, 414 of the Indian Penal Code, Section 25(1-b)a, 26, 27, 35 of the Arms Act and Section 20/22 of the NDPS Act.

Learned counsel appearing on behalf of the petitioner submits that 5 Kgs. *Ganja* was recovered from the vehicle in which the petitioner is said to have been travelling along with four others. Learned counsel for the petitioner, thus, submits that the recovery was not from the conscious possession



of the petitioner and, therefore, he may not be hauled up for the offence, as alleged. He further submits that the amount so recovered is not a commercial quantity and, therefore, his case may be considered liberally under the provisions of the Act.

Having heard learned counsel for the petitioner and on perusal of the diary, it appears that save and except the fact that the petitioner was part of the member of the group, which were travelling in the van where alleged recovery was made, there is no further material.

Considering the aforementioned facts and circumstances and also the period of custody and that the petitioner is having clean antecedents, let the petitioner, above named, be released on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-X, Patna, in connection with Special Case No.101 of 2017 arising out of Khusrupur P.S. Case No.139 of 2017.

(Anjana Mishra, J)

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