

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36115 of 2018

Arising Out of PS. Case No.-250 Year-2015 Thana- PALIGANJ District- Patna

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1. Banshidhar Sharma S/o Ram Nath Sharma
 2. Sudama Pandey S/o late Bodh Nath Pandey
 3. Mantu Singh S/o Satya Narayan Singh
 4. Bishnu Kumar@ Bishnu Singh S/o late Ganauri Singh All R/o Village- Akbarpur, P.S. Paliganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar

For the Opposite Party/s : Mr. Sri Satya Nand Shukla

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 02-07-2018 Heard learned counsel for the petitioners and learned APP
for the State.

Petitioners apprehend their arrest in Paliganj P.S. case No.
250 of 2015 instituted for the offence under Sections 20(b)(i)/22
N.D.P.S. Act.

In the written report, it is alleged that green trees of ganja
has been recovered from the angan of the petitioners as
mentioned in the written report. The seizure list is enclosed with
the FIR. The seizure list does not bear signature of these
petitioners. The counsel for petitioners has further submitted
that merely recovery of alleged trees would not constitute the
offence under the N.D.P.S. Act.

In the facts and circumstances of the case, prayer of the



petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with Special (N.D.P.S.) Case No. 47 of 2015 arising out of Paliganj P.S. case No. 250 of 2015, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Sessions Judge-cum-Special Judge, Patna subject to the conditions as laid down under Section 438(2) Cr.P.C. with further conditions:(1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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