

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45806 of 2017

Arising Out of PS.Case No. -164 Year- 2016 Thana -MUFFASIL District- AURANGABAD

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Suraj Sao @ Rukhi Sao Son of Late Fagu Sao, R/o Village- Huspura , P.S.-
Huspura , District- Aurangabad (Bihar).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Kumar

For the Opposite Party/s : Mr. Sri Pranav Kumar

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

6 04-01-2018

Heard the counsels for the parties.

The petitioner seeks bail in connection with
Aurangabad Mufassil P.S. Case No. 164 of 2016 dated 02.10.2016
instituted for the offences under Sections 8/20(b)/(ii)(c) of the
Narcotic Drugs & Psychotropic Substances Act, 1985.

A pick-up van was intercepted and 898 kgs of
Ganja was recovered from the aforesaid van. Four persons
including the petitioner were also found to be occupying the
vehicle. From the possession of the other two co-accused persons,
an amount of Rs. 2,20,000/-(two lacs and twenty thousand) in all
were recovered, whereas some of the accused persons were found
to be in possession of mobile telephones.

Mr. Vishwanath Prasad Singh, learned senior



counsel has submitted that from the possession of the petitioner, nothing has been recovered and he has been made accused in this case only because he was occupying the vehicle. It has further been submitted that the petitioner was a bona fide passenger and had boarded the vehicle at Dehri-on-sone to go to his village home. It has also been submitted that one of the co-accused persons who was found to be sitting in the vehicle viz. Upendra Giri and from whose possession, cash of Rs. 50,000/- and a mobile telephone was recovered, has been directed to be released on bail by a coordinate Bench of this Court vide order dated 18.08.2017 passed in Cr. Misc. No. 28513 of 2017, after completion of six months of custody from the date of passing of the order i.e. from 18.08.2017.

Considering the fact that nothing has been recovered from the conscious possession of the petitioner and the period of custody which the petitioner has undergone, which is from 03.10.2016, this Court is inclined to grant bail to him. While saying so, this Court has also taken note of the fact that petitioner does not bear any criminal record.

The petitioner, above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) with sureties of the like amount each to the satisfaction



of learned Additional District Judge-I-cum-Special Judge,
N.D.P.S. Act, Aurangabad in connection with Aurangabad
Mufassil P.S. Case No. 164 of 2016.

(Ashutosh Kumar, J)

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