

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.325 of 2018

Arising Out of PS.Case No. -137 Year- 2017 Thana -MUZFFARPUR GRP CASE District -
MUZAFFARPUR

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Atma Bin, Son of Late Sharda Bin, Resident of village- Mushahari, P.S.-
Dhanaha, District- West Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No.1, Advocate

For the Opposite Party/s : Mr. Chaubey Jawahar, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 20-02-2018 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

The petitioner is in custody since 17.09.2017 in
connection with Muzaffarpur Rail P.S. Case No.137 of 2017
(Muzaffarpur Rail N.D.P.S. Case No.137/17) registered for the
offence under Sections 20 and 22 of the NDPS Act.

Learned counsel for the petitioner submits that a bag
containing 7.800 Kgs. *Ganja* was found beneath the seat when
the petitioner was travelling in Up-Bagh Express. Learned
counsel for the petitioner further submits that such recovery of
Ganja was not from his conscious possession, rather it was
found located under the seat where the petitioner was sitting and
travelling in the train. The petitioner is merely a Labourer, who



was travelling from Kolkata and he has also no criminal antecedent. Moreover, the amount of recovery is said to be 7.800 Kgs, which is much below the commercial quantity.

Considering the aforementioned facts and circumstances and that the recovery was not made from the conscious possession of the petitioner and that he was taken into custody on mere suspicion, 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 Sessions Judge-cum-Special Judge, Muzaffarpur, in connection with Muzaffarpur Rail P.S. Case No.137 of 2017 (Muzaffarpur Rail N.D.P.S. Case No.137/17).

(Anjana Mishra, J)

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