

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14004 of 2018

Arising Out of PS.Case No. -170 Year- 2017 Thana -GOH District- AURANGABAD

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1. RAJENDRA MAHTO @ RAJENDRA MEHTA, S/o Ramlochan Mahto,
 2. Mahendra Mahto, S/o Sadhu Mahto, Both R/o Village- Lohandi, P.S.- Goh, District- Aurangabad (Bihar).

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Binod Kumar Pandey, Advocate.

For the Opposite Party : Mr. Sanjay Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 13-03-2018 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 20 of N.D.P.S. Act and 30(b) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 19 Ganja plants is said to have been recovered.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. It is alleged that from the back of houses of both petitioners, total 19 plants of Ganja is recovered. The lands in question do not belong to the petitioners. The petitioners have



been made accused in the present case due to mistake of fact. The said Ganja plants can not be alleged to be of the petitioners. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. Nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr. P.C.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory each bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge-cum-Sessions Judge, Aurangabad, in connection with Goh P.S. Case NO. 170 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)