

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61880 of 2018

Arising Out of PS. Case No.-194 Year-2014 Thana- SAHARSA District- Saharsa

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Anil Yadav, son of Sri Sahdev Prasad Yadav, resident of Mohalla Batraha
Ward No.06, PS & District Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh
For the Opposite Party/s : Mr. Sri Murlidhar

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 06-10-2018

Heard learned counsel for the parties.

This application for regular bail arises out of Saharsa
Sadar P.S. Case No. 194 of 2014 corresponding to Special Case
No.04/14 for the offences under Sections 20/22 of NDPS Act.

On a tip off, the police is said to have raided the
kiosk (*gumti*), which, admittedly, belongs to the petitioner,
leading to recovery of 1½ kilogram of ganja. From the First
Information Report, it appears that there is no allegation that the
petitioner was present in the said *gumti*, rather one Basant
Kumar was found to be selling ganja, who disclosed that he was
carrying business of selling of ganja with the present petitioner
and accordingly the petitioner has been arrested.

Learned counsel appearing on behalf of the petitioner



has submitted that his implication is based on the statement of co-accused Basant Kumar and none else.

Considering the quantity of the article recovered and the fact that the petitioner's name has been incorporated in the First Information Report on the basis of averment made by the co-accused, this application is allowed.

Let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise-cum-Sessions Judge, Saharsa, in Saharsa Sadar P.S. Case No. 194 of 2014 corresponding to Special Case No.04/14.

(Chakradhari Sharan Singh, J)

Pawan/Ragini

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