

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18697 of 2019

Arising Out of PS. Case No.-8 Year-2019 Thana- AMARPUR District- Banka

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Bijay Yadav @ Bijay Kumar Yadav@ Bijoy Yadav @BIJOY Kumar Yadav
Son of Kamleshwari Yadav Resident of Village - Dumrama, P.S.- Aramrpur,
Distt - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashutosh Kumar

For the Opposite Party/s : Mrs. Shaheen Begum

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 29-03-2019 Heard learned counsels for the petitioner and the

State.

The petitioner is languishing in custody since 06.01.2019
in a case registered for the offences punishable under Sections
20, 22 and 25 of the NDPS Act.

The prosecution case is that on secret information that the
petitioner Bijay Yadav, co-accused, Ankit Kumar and Sumit
Kumar use to sell Ganja, a raid was laid and from adjacent to
the wooden shop of the petitioner, 54 grams and from the
wooden shop of co-accused Ankit Kumar and Sumit Kumar, 69



grams of ganja were recovered.

It is submitted by learned counsel for the petitioner that admittedly recovery has been made from adjacent to the wooden shop of the petitioner, hence recovery cannot be treated from the conscious physical possession of the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. Moreover, similarly situated co-accused Ankit Kumar and Sumit Kumar, from whose wooden shop, 69 grams of ganja were recovered, have been granted bail by a Co-ordinate Bench of this Court, vide order dated 06.03.2019, passed in Cr. Misc. No. 13102 of 2019.

Learned APP that recovery has been made from adjacent to the wooden shop of the petitioner.

Considering the recovery from adjacent to the wooden shop of the petitioner, the recovery being small quantity and similarly situated co-accused persons being granted bail by a Co-ordinate Bench of this Court, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Sessions Judge, Banka in connection with



Special Case No. 01 of 2019 arising out of Amarpur P.S. Case
No. 8 of 2019.

(Dinesh Kumar Singh, J)

Amrendra/-

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