

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30440 of 2019

Arising Out of PS. Case No.-432 Year-2018 Thana- MAHUA District- Vaishali

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GORE @ GAUTAM KUMAR Son of Devanand Kumar, Resident of Village
Gaddopur, P.S. Mahua, District- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pravin Kumar

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 20-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case instituted for the offences under Sections 399, 402, 414 of the Indian Penal Code, 25(1-B)a, 26(ii), 35 of the Arms Act and 8(c), 20(b)(i)B of the N.D.P.S. Act.

The prosecution case in short is that 4.340 kg of ganja and some arms have been recovered from the accused persons.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 8.12.2018. There is no allegation of tampering of witnesses alleged against the petitioner. Charge-sheet has been submitted in the present case. The petitioner has falsely been implicated in the present case. As far as arms is concerned, the same are recovered from the



other accused persons. No arms is recovered from the possession of the petitioner. 4.340 kg ganja is alleged to have been recovered. The same is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Learned Sessions Judge-cum- Special Judge, N.D.P.S. Act, Vaishali at Hajipur in connection with Mahua P.S. Case No. 432/18.

(Sudhir Singh, J)

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