

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36848 of 2019

Arising Out of PS. Case No.-71 Year-2019 Thana- SURSAND District- Sitamarhi

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1. SUNDESHWAR RAI, aged about 35 years (Male), Son of Siyaram Rai, Resident of Village - Susta Tola Ward No.11, P.S.- Gaighat, Dist.- Muzaffarpur.
 2. Mahesh Rai, aged about 28 years (Male), Son of Sakaldip Rai, Resident of Village - Bharat Nagar, P.S.- Gaighat, Dist.- Muzaffarpur.

... .. Petitioners

Versus

1. The State of Bihar.
2. Union of India through D.R.I.

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr.Dr. Bidhu Ranjan, Advocate.
For the State	:	Mr.Anuj Kumar Shrivastava, A.P.P.
For the U.O.I.	:	Mr. Ram Anurag Singh, C.G.C.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 26-06-2019 Heard learned counsel for the petitioners and learned counsels for the opposite parties.

The petitioners are languishing in custody since 19.03.2019 in a case for the offence registered under Sections 20, 22 and 23 of the N.D.P.S. Act.

The prosecution story, in brief, is that on 18.03.2019 while the informant was on patrolling duty, both the petitioners were apprehended with Motorcycle and on search in presence of two witnesses, Ganja measuring 5.5 Kg. was recovered from possession of petitioners. Seizure list was prepared.

It has been submitted by learned counsel for the



petitioners that the petitioners have got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. 5.5 Kg. of Ganja is alleged to have been recovered from the possession of the petitioners. The said recovered Ganja 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 N.D.P.S. Act.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released on 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 Sessions Judge-cum-Special Judge, N.D.P.S. Act, Sitamarhi, in connection with Sursand P.S. Case No. 71 of 2019.

(Sudhir Singh, J)

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