

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35629 of 2019

Arising Out of PS. Case No.-37 Year-2019 Thana- SONBERSA District- Sitamarhi

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BHUPTENDRA KUSHWAHA Son of Siya Ram Mahto Resident of Village - Gamhariya, P.S.- Malangwa, Dist.- Sarlahi (Nepal), at Present residing at Village - Pfarchhahiye, P.S.- Sonebarsa, Dist.-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar

For the Opposite Party/s : Mr.Pramod Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 19-07-2019 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in **Sonbarsa P.S. Case No. 37 of 2019**, instituted for the offence under Section(s) 20, 22 and 23 of N.D.P.S. Act.

It is alleged in the written report that during checking at Indo Nepal Border, the Asstt. Commandant, SSB, saw one person. He started running away. He was chased and apprehended. On search 2.750 kg. of *Ganja* has been recovered from his possession.

Counsel for the petitioner submits that seizure list has been prepared by Asstt. Commandant, C Coy. 51st BN. SSB. They have not followed the Provisions of Section 50 of the



N.D.P.S. Act in preparing the seizure list. He further submits that petitioner has been arrested from Indo Nepal Border merely on suspicion. He further submits that petitioner has no concern with the aforesaid *Ganja*. There was no compliance of Section 50 of N.D.P.S. Act.

Petitioner is in custody since 30.1.2019 having clean antecedent.

Considering the aforesaid facts and circumstances of the case, prayer of the petitioner for grant of bail 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 learned **District & Sessions Judge cum Special Judge, Sitamarhi**, in connection with **Sonbarsa P.S. Case No. 37 of 2019**, subject to the condition that both the bailors will be close relatives of the petitioner.

(Sanjay Priya, J)

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