

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72997 of 2018

Arising Out of PS. Case No.-243 Year-2018 Thana- KHAJEKALA District- Patna

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Aditya Raj, Son of Rakesh Raj, Resident of Mohalla- Agamkuan, Chhoti
Pahari, Kharaunia Colony, Devi Asthan, P.S.- Byepass, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Chandra

For the Opposite Party/s : Mr.Smt. Renuka Ratnakar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 04-02-2019 The matter has been taken with consent on priority basis as
the petitioner has to appear in intermediate examination

Heard learned counsel for the petitioner and learned counsel
appearing on behalf of the State.

The petitioner is languishing in custody since 28.07.2018
in connection with Khajekalan P.S. Case No.243 of 2018 registered
for the offences punishable under Sections 22, 20 of N.D.P.S. Act.

Prosecution case as per the written report of Arun Kumar
Yadav, A.S.I. Khajekala P.S. is to the effect that on 26.07.2018 at
about 10 A.M. the informant along with others police personnel went
on patrolling, when at 12:45 A.M., the informant received a secret
information to the effect that near Sui ki Masjid, a person is selling
smack, whereupon a raid was laid on the said place and two persons
found in suspicious condition were apprehended who disclosed their
name as co-accused Suraj Verma and Aditya Raj, the petitioner and 14



small packets of Smack were recovered from their possession.

It is submitted by learned counsel for the petitioner that only on the basis of suspicion, the accusation has been levelled against the petitioner. The recovered article has neither been weighed by the informant nor by the investigating agency. It is further submitted that the petitioner is not having criminal antecedent. Statement to that effect has been made in paragraph no.3 of the petition.

Learned APP has vehemently opposed the prayer for bail and submits that the investigation has already been concluded but the seized contraband has not been weighed.

Considering the fact the FIR has been lodged by the police officer under NDPS Act but the quantity of the seized contraband has not been recorded coupled with the fact that the petitioner is not having criminal antecedent, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs.10000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, Patna in connection with Khajekalan P.S. Case No.243 of 2018.

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(Dinesh Kumar Singh, J)

