

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2607 of 2019

Arising Out of PS. Case No.-153 Year-2017 Thana- JANDAHA District- Vaishali

=====

Kameshwar Rai s/o Late Teka Rai R/v- Pakari, P.S.- Bidupur, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 29-03-2019 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in Jandaha P.S. Case No.
153/2017, instituted for offence under Section(s) 8, 20(b)(ii)(c)
of the Indian Penal Code.

Learned counsel for the petitioner has submitted that
from the seizure-list, it appears that there is no recovery of any
incriminating article from conscious possession of this
petitioner.

In the written report it is alleged that on secret
information during vehicle checking police intercepted a four
wheeler vehicle but the person sitting in the vehicle tried to run
away with the vehicle seeing the police party. The police chased
the vehicle. Looking the chase vehicle was parked at Kalyani



Chowk and four persons tried to run away but they were apprehended. The apprehended persons disclosed their name as Kameshwar Rai (petitioner), Deepak Kumar, Sanjiv Kumar and Binod Kumar. On search of the vehicle 70 kg Ganja was recovered.

It appears that police has prepared two separate seizure-list. In the first seizure-list police has mentioned that cash of Rs. 10,200/- has been recovered from possession of petitioner. The another seizure-list, which is enclosed with F.I.R., shows recovery of Ganja from the Tata Sumo Victa. Seizure-lists bear the signature of the petitioner.

Learned counsel for the petitioner has submitted that both the seizure-list cannot be connected and the aforesaid recovery cannot be said to be conscious possession of the petitioner. It is further submitted that there is no compliance of provision of Section 50 of the N.D.P.S. Act.

Petitioner is in custody since 07.09.2017.

Considering the aforesaid facts and circumstances, 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 the learned Sessions Judge,



Vaishali at Hajipur, in connection with Jandaha P.S. Case No.
153/2017, subject to the conditions that both the bailors shall be
the close relative of the petitioner.

(Sanjay Priya, J)

rakhi/-

U		T	
---	--	---	--

