

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12764 of 2020

Arising Out of PS. Case No.-1412 Year-2019 Thana- NAWADA District- Nawada

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LAVKUSH KUMAR (Male 32 years), Son of Shailendra Prasad Singh,
Resident of Village Bhelu Bigha, P.S. Hisua District Nawada. At Present
resident of Chourasia Colony, New Area P.S. Nawada, District - Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Bhavesh Kumar, Advocate.

For the Opposite Party : Mr.Syed Mojibur Rahman,A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-03-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case for the offence
registered under Sections 20 and 22 of the N.D.P.S. Act.

The prosecution story, in brief, is that on 07.12.2019
at about 17.00 hours, the informant received information that
Ganja is being sold openly in the Gumti near the Main Gate of
Gandhi School, Nawada. Upon that information, he alongwith
other police forces proceeded from the police station and
reached near the gate of Gandhi School at 18.00 hours and
surrounded the Gumti of Lavkush Kumar (petitioner) and Sunil
Singh with the help of police forces and on search 267 grams of
Ganja kept in a polythene recovered from the Gumti of Lavkush



Kumar (petitioner) and 1.035 Kilogram Ganja kept in a plastic bag, 350 grams Ganja kept in 150 Puriya, 73 pieces of Chilam made of soil, 108 pieces of cigarette, 50 grams Ganja kept in a plastic bag and cash Rs. 860/- were recovered from the Gumti of Sunil Singh. Accordingly, seized the aforesaid Ganja etc., and seizure list was prepared and copy of seizure list is handed over to the both the arrested persons Lavkush Kumar (petitioner) and Sunil Singh.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 08.12.2019. The petitioner has got no criminal antecedent. He has falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. 267 Gram of Ganja is said to have been recovered from the Gumti of the petitioner. 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, let 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 the learned Sessions Judge, Nawada, in connection with Nawada Town P.S. Case No. 1412 of 2019, corresponding to Special (N.D.P.S.) Case No. 15 of 2019.

(Sudhir Singh, J)

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