

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9832 of 2020

Arising Out of PS. Case No.-95 Year-2019 Thana- JOGBANI District- Araria

Nitish Kumar Yadav @ Nitish Kumar, Male, aged about 18 years, Son of Ram Kumar Yadav, Resident of Village - Bishanpur, P.S.- Jogbani and District- Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through the Directorate of S.S.B. under the Home Department Government of India, Regional Office at near Karpoori Bhawan, Ashiyana Digha Road, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar No. 7, Advocate
For the Opposite Party/s : Mr.S.D. Sanjay (Add.Sgi)

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 23-06-2020 Heard the parties through the virtual court proceeding.

The petitioner apprehends his arrest in connection with Jogbani P.S. Case No.95 of 2019 registered for the offences punishable under Sections 20/22/23/24 of the N.D.P.S. Act.

As per F.I.R., on 29.03.2019 the informant who is S.I. of S.S.B.56 BN. after getting information regarding transportation of Ganja from Nepal to Indian territory via Bishanpur, he along with other police personnels made a search operation. In the meantime, two persons on a black coloured motorcycle was seen coming who were signaled to stop but seeing the police party the person sitting on back side of motorcycle jumped from the motorcycle and managed his



escape from there whereas one of the accused was apprehended by the police who disclosed his name Ram Balak Ray. Thereafter, the police searched the motorcycle without having its registration no. but nothing was found by the police from the motorcycle.

Learned counsel for the petitioner submits that in the instance case, 3 Kgs. of ganja was recovered. Learned counsel for the petitioner further submits that there is no recovery of any contraband material from the conscious possession of the petitioner. Learned counsel for the petitioner further submits that quantity of ganja is not a commercial. He further submits that similarly situated co-accused has been granted bail by this Co-ordinate Bench of this Court passed in Cr. Misc. No.43431 of 2019 vide order dated 16.07.2019 and Cr. Misc. No.61761 of 2019 vide order dated 14.10.2019.

Learned A.P.P. for the State has opposed the prayer for bail.

In the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (twenty five thousand) only with two sureties of the like amount



each to the satisfaction of learned Sessions Judge, Araria in connection with Jobani P.S. Case No. 95 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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