

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21103 of 2020

Arising Out of PS. Case No.-24 Year-2020 Thana- BAKHTIYARPUR RAIL P.S. District-
Patna

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1. ANIL KUMAR Son of Fauzdari Prasad @ Faujdari Prasad R/o Morcha Road, Bhitri Begumpur, Ward no.- 67, P.S. and P.O. - Chowk (City), District - Patna.
 2. Bijay Prasad Sah @ Bijay Prasad Sahu Son of Late Kapildeo Prasad @ Kapil Dev Prasad Resident of Maharani Colony road no. 1, House of Raj Babu, Sitala Mandir P.S. and P.O. - Agamkuan, District - Patna.
 3. Anand Kumar Bhagat Son of Jai Narayan Bhagat Resident of Choti Marai, Sahi Colony behind road no. 1, Ward no.- 27, P.S. and P.O. - Hajipur (Town), District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sayed Imran Ghani, Advocate

For the Opposite Party/s :

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 29-06-2020 This matter has been taken up through Video Conferencing.

Let the defects be removed within two weeks after opening of the physical court.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are languishing in custody for the offences punishable under Section 414/34 of the Indian Penal Code and Section 21(b) of the N.D.P.S. Act.

From possession of petitioner Bijay Prasad Sah @



Bijay Prasad Sahu 40 pieces of Ativan, 1 mg each, was recovered by the police and from the possession of other two petitioners paste of Ativan in a Chunauti was found.

Learned counsel for the petitioners submits that the petitioners have got no criminal antecedent save and except a case of theft in railways against petitioner No.1. The recovered quantity is not commercial quantity nor the procedure prescribed under the N.D.P.S. Act in the matter of search and seizure was followed by the police. Investigation of the case is already complete.

Considering the infirmity in search and seizure, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Bakhtiyarpur Rail P.S. Case No.24 of 2020 (NDPS Special Case No.50 of 2020), with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioners shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioners.



(c) The petitioners shall not leave the country without
permission of the trial Court.

(Birendra Kumar, J)

Mkr./-

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