

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60294 of 2019

Arising Out of PS. Case No.-115 Year-2018 Thana- SONPUR RAIL P.S. District- Saran

Mahesh Singh, Son of Late Nand Kishore Singh, Resident of Village -
Bidupur, Barati, P.S.- Raja Pakar, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha
For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-03-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has renewed the prayer for bail for the third time in a case registered for the offences punishable under Sections 8, 20 & 22 of NDPS Act.

The prosecution case as per the written report of Rakesh Kumar, Sub-Inspector, RPSF Post, Sonapur submitted to Station House Officer, Rail P.S., Sonapur is to the effect that on 19.08.2018 secret information was received that someone carrying ganja in a train when one person was intercepted while getting down from a train with an airbag and from the bag in question 10 kg 134 gms ganja was recovered.

It is submitted by learned counsel for the petitioner that the petitioner is languishing in custody since 19.08.2018



and a statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the recovery has been made from the possession of the petitioner.

Considering the fact that the petitioner is languishing in custody since 19.08.2018 when earlier twice prayer for bail of the petitioner was rejected but keeping in view the fact that the recovery is between small and commercial quantity hence, the embargo of Section 37 of NDPS Act will not apply, the F.S.L. report is not on record nor there is any discussion about the same in the impugned order, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner 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 learned Additional Sessions Judge-I, Saran at Chapra in connection with Sonapur Rail P.S. Case No. 115 of 2018, NDPS Case No. 16 of 2018.

(Dinesh Kumar Singh, J)

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