

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83851 of 2019

Arising Out of PS. Case No.-209 Year-2019 Thana- MAIRWAN District- Siwan

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1. SANJAY UPADHYAY Son of Late Umesh Upadhyay Resident of Village - Badka Manjha, P.S.- Mairwa, District - Siwan.
 2. Raju Upadhyay Son of Late Umesh Upadhyay Resident of Village - Badka Manjha, P.S.- Mairwa, District - Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhilesh Kumar

For the Opposite Party/s : Mr.Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 07-07-2020 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Mairwa P.S. Case No. 209 of 2019 for the offence punishable under Sections 20,22, 25, 27 of the NDPS Act.

It is the case of the prosecution, as disclosed in the FIR, that from the petitioners' house the police recovered 2 kg of *ganja*.

Learned counsel appearing on behalf of the petitioners has submitted that it is evident from the FIR itself that the petitioners were not present during the search and the seizure-list does not bear signature of any of the family members of the petitioners. The petitioners are full brothers. It



has been stated that they have been got implicated at the instance of one Fulena Upadhyay, at whose instance two complaint cases have been got registered against the petitioners.

Considering the facts and circumstances noted above and the submissions made on behalf of the petitioners, this application is allowed.

Let the petitioners above named, in the event of their arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Siwan in Mairwa P.S. Case No. 209 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Rajesh/-

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