



IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38736 of 2015

Arising Out of PS.Case No. -100 Year- 2013 Thana -RAMGARH District-
BHABHUA (KAIMUR)

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Santosh Kharwar @ Santosh Kumar Kharwar, Son of
Markandey Kharwar, Resident of Village - Ramgarh, P.S. -
Ramgarh, District - Kaimur (Bhabua).

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Sunil, Adv.

For the Opposite Party/s : Mr. A.K.Chaudhary (A.P.P.)

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

3 11-02-2016 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

 This application, for grant of anticipatory bail,
arises out of Ramgarh P.S. Case No.100 of 2013,
disclosing offences under Sections 17, 18, 21, 22, 20B,
C/27A of the Narcotic Drugs and Psychotropic
Substances Act, 1985.

 Learned counsel for the petitioner submits
that the police upon completion of investigation

submitted final form, charge-sheeting some of the accused persons, whereas, exonerating this petitioner in the absence of sufficient evidence. Learned court below, has, however, taken cognizance and proceeded against this petitioner also.

In my opinion, this application cannot be maintained, in view of the provisions under Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, since the learned court below is said to have taken cognizance of the offences punishable under various sections of the Act, including Section 27(A) of the Act.

Learned counsel for the petitioner has vehemently submitted that bar under Section 37 of the Act, will have no application in the facts and circumstances of the present case, there being no material on record to constitute such offence. It will be open to the petitioner to take such plea before the learned court below for seeking regular bail.

Accordingly, this application for anticipatory bail is, hereby, rejected.

The petitioner, abovenamed, is directed to surrender before the court below within a period of four weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be

considered on its own merit without being prejudiced by rejection of present application for grant of anticipatory bail.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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