

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52344 of 2017

Arising Out of PS.Case No. -212 Year- 2017 Thana -NAUBATPUR District- PATNA

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Baij Nath Prasad @ Baij Nath Mahto, Son of Late Deo Narayan Mahto,
Resident of village- Amarpura, P.S.- Naubatpur, District- Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Karna

For the Opposite Party/s : Smt. Pronati Singh

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 10-11-2017 Heard the learned counsel for the petitioner as well as

the learned A.P.P. for the state.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with Special Case No. 106 of 2017 arising out of Naubatpur P.S. Case No. 212 of 2017 for the offence punishable under section 20 of the N.D.P.S. Act.

Allegedly, acting on a tip off that the petitioner is dealing with ganja, raid was conducted but the petitioner succeeded in fleeing away and from his house beneath the bed about 150 grams ganja was recovered.

Submission is of false implication and that the petitioner is an old man suffering from several ailments, from the seizure list it reveals that the informant was not sure that the



recovered article was ganja, the mandatory provision of section 50 of the N.D.P.S. Act has not been complied with and there is no compliance of section 100 of the Cr.P.C and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. seriously opposes prayer for pre-arrest bail of the petitioner.

In the facts and circumstances stated above, considering the alleged recovery, I am not inclined to grant privilege of pre-arrest bail to the petitioner and accordingly his such prayer stands rejected in connection with the aforesaid case pending in the court of Sessions Judge, Patna.

However, in case and if so advised, the petitioner surrenders and seeks regular bail then his prayer for regular bail shall be considered on its own merits without being prejudiced by the order of this Court, preferably on the same day.

(Jitendra Mohan Sharma, J)

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