

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1078 of 2018

Arising Out of PS. Case No.-79 Year-2017 Thana- KORANSARAI District- Buxar

Munna Sah @ Chandan Sah, son of Late Bisun Dev Prasad, resident of Village- Koransarai, Police Station- Koransarai, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. BINOD KUMAR

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 21-02-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in Koransarai P.S. Case No. 79 of 2017 registered under Sections 20(B)(ii) (c)/22/27(A)/29 of the N.D.P.S. Act and Section 47(A) of the Excise Act.

The prosecution case, in short, is that contraband articles are recovered.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been made accused due to mistake of fact. The alleged seizure is said to have been taken place in absence of the petitioner. The procedure of seizure as per



Sections 42 and 50 of the N.D.P.S. Act has not been followed in the present case. As per prosecution, 3.3 kg ganja is recovered from the joint house of the petitioner. The same is below the commercial quantity. Hence, the bar of Section 37 of the N.D.P.S. Act does not come in the way.

On behalf of the State, it has been submitted that the present application relates to anticipatory bail. The petitioner may seek regular bail.

Considering the aforesaid facts and circumstances of the case, I am not inclined to grant bail to the petitioner. Prayer is rejected. If the petitioner surrenders and prays for regular bail in the Court below, the same shall be considered on its own merit without being prejudiced by the present order.

With the aforesaid observation/direction, the present application stands disposed of.

(Sudhir Singh, J)

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