

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52984 of 2018

Arising Out of PS.Case No. -612 Year- 2018 Thana -BIHTA District- PATNA

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1. Chandan Kumar S/o Ambika Prasad, R/o Vill.- Sadisopur, P.S.- Bihta,
District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-09-2018 Heard learned counsel for the petitioner and learned APP for
the State.

The petitioner is apprehending his arrest in a case registered
under Sections 8/20(b)(ii)(A) of NDPS Act.

The prosecution case, in brief, is that seeing the police party,
one person having a black colour polythene in his hand, fled away
throwing the bag. The bag contained Ganja.

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 falsely implicated in this case due to ulterior
motive. The alleged 1.250 kg. Ganja is said to have recovered from
an abandoned house. The said abandoned house in question does



not belong to the petitioner. The petitioner doubts the identification made by the police. The petitioner is not known to the police officer nor the concerned police officers are known to the petitioner. There is no recovery of contraband from conscious possession of the petitioner. There is no compliance of Sections 42 & 50 of the NDPS Act. The quantity of Ganja in question is below the commercial quantity.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, Patna in connection with Special Case No. 61 of 2018 arising out of Bihta P.S. Case No. 612 of 2018 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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