

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38135 of 2018

Arising Out of PS. Case No.-391 Year-2017 Thana- SHIVSAGAR District- Rohtas

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Guddu Singh, S/o Pahalwan Singh, Resident of Village- Gotahar, P.S.-
Sheosagar, (Beddi), District- Rohtas (Sasaram).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chhote Lal Mishra, Adv.

For the Opposite Party/s : Sri Uma Shankar Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-07-2018 Heard learned Counsels for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 8(c), 20(b), 22 and 27(a) of The Narcotic Drugs and Psychotropic Substances Act, 1985.

The prosecution case got initiated on the basis of written report dated 16.12.2017 submitted by Umakant Dwivedi, S.I. of Police to the Station House Officer, Baddi O.P. is to the effect that on 15.12.2017, he got the information about illegal sale and purchase of 'Ganja' by Bipin Bihari Singh, resident of Village- Sikandarpur. On the said information, the informant along with raiding party reached Village -Sikandarpur and consequently, after informing the higher officials, searched the house of Bipin



Bihari Singh and recovered 5 kg. ganja. During course of interrogation, the apprehended, co-accused, Bipin Bihari Singh disclosed that one Mantu Kumar Singh, resident of Village-Gotahar used to supply 'Ganja' for sale. Thereafter, the house of Mantu Kumar Singh was raided, wherein, three persons were found sleeping in a garage, who seeing the police started fleeing away from the scene, but they were caught, who disclosed the names as Sandesh Kumar Singh, Pintu Kumar Singh and Mantu Kumar Singh. During course of search, 5 kg. ganja was also recovered from a Maruti Car. During interrogation, Mantu Singh disclosed the names of his 11 associates, including the petitioner.

It is submitted by learned counsel for the petitioner that there is no recovery from the possession of the petitioner. The petitioner has been named as an accused in the present case only on the basis of statement of Mantu Singh who did not suggest that the petitioner used to finance the illicit trafficking. There is no proof with regard to illicit traffic and harbouring offenders. Hence, no offence under Section 27A of the N.D.P.S. Act is made out. Hence, the case of the petitioner does not come within the purview of Section 37 (a) of the NDPS Act. Moreover, the other co-accused, whose names have sprang up



on the confessional statement of co-accused Mantu Kumar Singh, namely, Satyendra Sharma has been granted anticipatory bail, vide Criminal Miscellaneous No.17867 of 2018. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by Uma Shankar Prasad Singh, learned APP for the State that though the recovery has not been made from the possession of the petitioner, but co-accused Mantu Kumar Singh from whom the recovery has been made, suggested that the petitioner and others were engaged in the business of sale and purchase of 'ganja'.

Considering the rival submissions of the parties, keeping in view of the fact that there is no recovery from the petitioner, the FIR does not suggest that the petitioner used to finance illicit trafficking, co-accused, whose name also surfaced on the basis of the confessional statement of co-accused, Mantu Singh, has been granted anticipatory bail, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of



Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Rohtas (Sasaram), in connection with Sheosagar P.S. Case No.391/2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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