

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17121 of 2019

Arising Out of PS. Case No.-1037 Year-2018 Thana- BIHTA District- Patna

Ramu Kumar Son of Ram Darshan Prasad Resident of Village - Vishunpura,
P.S.- Bihta, Distt - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sangiv Kumar
For the Opposite Party/s : Mr.Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-04-2019 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 the N.D.P.S. Act.

The prosecution case, in short, is that on 16.09.2018 during course of vehicle checking the police found standing a new scooty without number in south side of Tempo stand of Bihta ORB. On suspicion, the police with help of machanic opened the dikky of scooty, from which 500 grams ganja was recovered kept in white colour polythene.

It has been submitted on behalf of the pettioenr 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



petitioner is not named in the F.I.R. The scooty of the petitioner was parked in a market place and in absence of the petitioner a search was made and 500 grams ganja is alleged to have been recovered. Same is below the commercial quantity. The alleged recovery has not been made from the conscious possession of the petitioner. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

On behalf of the State, it is submitted that the petitioner is not named in the 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/Special Judge, Patna in connection with Bihta P.S. case No.1037 of 2018 relating to Special case No.107 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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