

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36810 of 2019

Arising Out of PS. Case No.-75 Year-2019 Thana- SAHEBPUR KAMAL District- Begusarai

BIJAY TANTI @ RAJEEV KUMAR, aged about 21 years, Male, Son of Pulis Tanti, Resident of Village - Naya Tola (Kurha), P.S.- Sahebpur Kaimal, District - Begusarai.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Subesh Sharma, Advocate.

For the Opposite Party : Mr.Sanjay Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-06-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since 22.03.2019 in a case for the offence registered under Sections 08, 20, 22 and 25 of the N.D.P.S. Act.

The prosecution story, in brief, is that the informant A.S.I. Sudil Ram of Sahebpur Kamal P.S. with other police personnel and Chowkidar on the direction of Superior Police Officer arrived at the house of Vijay Tanti (petitioner) to verify the confidential information of illegal trade of Ganja, there he saw two persons who were trying to escape from there seeing the police party, were apprehended by them, On query, they disclosed their names as Bijay Tanti @ Rajeev Kumar and



Sachin Kumar. On search of the house in presence of two witnesses Chwokidar 7/3 Sajjan Sah and 7/2 Nand Kishore Sah as independent witnesses as no one became ready to witness the case, search the house of Bijay Tanti and recovered 6 K.G. Ganja, Taraju and Batkhara, one Samsung Mobile with SIM No. 7479672163 from Vijay Tanti and one Jio Mobile SIM No. 6207153513 from Sachin Kumar. Informant prepared seizure list there, obtained the signature of the apprehended persons and handed over copy to them.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. 6 Kg. Ganja is alleged to have been recovered from possession of the petitioner. The said recovered Ganja is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of N.D.P.S. Act.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let



the petitioner above named, be released on bail on furnishing
bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of
the like amount each to the satisfaction of the learned Sessions
Judge, Begusarai, in connection with Sahebpur Kamal P.S. Case
No. 75 of 2019, N.D.P.S. Case No. 7/2019, C.I.S. No. 11/2019.

(Sudhir Singh, J)

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