

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59623 of 2019

Arising Out of PS. Case No.-240 Year-2019 Thana- KOTWALI District- Patna

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Tarkeshwar Prasad @ Rajesh Kumar @ Tarkeshwar Kumar @ Rajesh Prasad
Son of Late Kapildev Prasad Resident of Mohalla- Kurji, P.S.- Digha,
District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rana Ishwar Chandra
For the State : Mr. C. Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered under
Sections 37(b)(c) off the Bihar Excise and Prohibition
(Amendment) Act & Sections-18/22 of the NDPS Act.

Allegedly, 137.5 gms Ganja was recovered from
possession of the petitioner.

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 is in custody since 22-03-2019. Charge sheet has
already been submitted. As per allegation, the petitioner was
found in drunken state. Further 137.5 gms Ganja is said to have



been recovered from his possession. Same is below the commercial quantity. Hence Section 37 of the NDPS Act is not applicable in the present case. There is no compliance of Section 42 & 50 of NDPS Act.

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, 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 learned Special Judge, Excise, Patna in connection with Special Case No. 3168 of 2019 arising out of Kotwali P.S. Case No. 240 of 2019.

(Sudhir Singh, J)

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