

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.18587 of 2020**

Arising Out of PS. Case No.-278 Year-2019 Thana- BARACHATTI District- Gaya

BAJIR YADAV @ BANJIR YADAV Son of Late Manki Yadav Resident of
Village - Tetariya, P.S.- Barachatti, Distt - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 09-09-2020 Heard learned counsel for the petitioner and Mr. Sanjay
Kumar Sharma, learned A.P.P. for the State.

Petitioner, in the present case, is seeking pre-arrest bail in
connection with Barachatti P.S. Case No. 278/2019 registered for the
offence under Section 15, 18 and 20 of the N.D.P.S. Act.

The allegation against the petitioner is that from his house
four bags i.e. total 100 kg. of Dry Doda was recovered and seized by
the raiding party.

Learned counsel for the petitioner submits that from the
seizure list it would appear that there is no independent witness to the
same and both the seizure list witnesses are the members of the
police party. It is further submitted that there was no sampling of the
seized material on the spot.

Mr. Sanjay Kumar Sharma, learned A.P.P. for the State has



opposed the prayer for anticipatory bail of the petitioner. It is submitted that in terms of Section 37 of the N.D.P.S. Act unless the court is satisfied that there are reasonable grounds to believe that the petitioner is not guilty of the offence and that while on bail he will not indulge in any other offence, the discretion conferred upon this Court under Section 438 Cr.P.C. need not be exercised. It is submitted that there are prima-facie materials showing that the recovery has been made from the house of this petitioner, therefore at this stage there is no reasonable ground to satisfy the ingredients of Section 37 of the N.D.P.S. Act.

Having regard to the facts and circumstances of the case, on finding that the seized Doda is 100 Kg. which is much more than the commercial quantity, there being specific provision under Section 37 of the N.D.P.S. Act, 1985 which is not getting satisfied, this court is not inclined to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner is, thus, refused.

This application is dismissed.

(Rajeev Ranjan Prasad, J)

arvind/rajeev

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

