

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22469 of 2020

Arising Out of PS. Case No.-236 Year-2019 Thana- PARBATTa District- Khagaria

CHITRANJAN YADAV, aged about 45 years (Male), S/o Late Girish Yadav,
Resident of Village- Chhoti Lagar, P.S.- Parbatta, Distt- Khagaria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Binod Kumar, Advocate.
For the Opposite Party : Mr. A.G

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-09-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks from the date of lifting of the lockdown in the
State of Bihar.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 8, 20(b), 25 and 29 of the
N.D.P.S. Act.

The prosecution story, in brief, is that the informant



and others, in course of patrolling, went at the house of the petitioner and saw that a man was fleeing from the house. Due to darkness, accused succeeded in fleeing. Mahal Choukidar disclosed the name of absconder accused as Chitranjan Yadav (petitioner). In course of search, 05 Kg. Ganja kept in a sack (Bora) was recovered from the house of the petitioner.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. It is alleged that 05 Kg. Ganja is recovered from the house of the petitioner. The same is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Sections 42 and 50 of the 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 facts and circumstances of the case



and also the lockdown, the petitioner above named, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of the learned Special Judge, N.D.P.S. Act, Khagaria, in connection with Special Case No. 05/2019, arising out of Parbatta P.S. Case No. 236/2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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