

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18125 of 2021

Arising Out of PS. Case No.-246 Year-2020 Thana- KOCHADHAMAN District- Kishanganj

Saidur Rahman@ Md Saidur Rahman Son Of Lal Mohammad Resident Of
Village- Vidhayak Tola Sisona, Ward No 14, P.S- Jokihat, Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-12-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the Office, within a period
of eight weeks.

The petitioner is apprehending his arrest in a case
registered under Sections 8, 20(b) (ii)B, 22, 23 and 29 of the
N.D.P.S. Act.

The prosecution allegation, in short, is that 8.560 kg
ganja is recovered.

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 has been made accused due to mistake



of fact. 8.560 kg. ganja is recovered from the possession of co-accused. 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 his implication in the present case. 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 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 twelve 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 Sessions Judge-cum-Special Court (N.D.P.S.) Act, Kishanganj in connection with Kochadhaman P.S. Case No. 246 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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