

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28382 of 2021

Arising Out of PS. Case No.-241 Year-2020 Thana- BANMANKHI District- Purnia

RAHUL KUMAR @ RAHUL CHAUDHARY @ RAHUL CHOUDHARY,
(Male), aged about 24 years, S/o Lalan Chaudhary, Resident of Ward No.-5,
Barhsheer, P.S.- Bihra, District- Saharsa.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Rana Vikram Singh, Advocate
For the Opposite Party : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-12-2021 Learned counsel for the petitioner is directed to

remove the defects, as pointed out by the office, within a period

of eight weeks.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner is apprehending his arrest in connection

with Special Case No. 16 of 2020, arising out of Banmankhi

P.S. Case No. 241 of 2020 for the offence registered under

Sections 8(c) and 20(b) of the N.D.P.S. Act.

The prosecution story, in brief, is that 800 Grams



Ganja is said to have been recovered from the hut of *depot* of co-accused.

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 800 Grams *Ganja* has been recovered from the *hut* of *depot* of co-accused. The recovered contraband 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 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 aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest or 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/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned Special Judge/Sessions Judge (NDPS Act), Purnea, in connection with Special Case No. 16/2020, arising out of Banmankhi P.S. Case No. 241/2020, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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