

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35160 of 2021**

Arising Out of PS. Case No.-125 Year-2020 Thana- RAGHOPUR District- Vaishali

CHANDAN KUMAR @ CHANDAN KUMAR SINGH S/o Mithlesh Singh
R/o Village- Ramdauli, P.S.- Bidupur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rina Sinha
For the Opposite Party/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 28-09-2021 Heard learned counsel for the petitioner and the State.

Learned counsel for the petitioner is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

The petitioner is apprehending his arrest in Raghapur (Rustampur O.P.) P.S. Case No. 125 of 2020 registered for the offence under Section-30(a) of the Bihar Prohibition and Excise Act, 2018 and Sections-8/20/22 of the NDPS Act.

The prosecution case, in short, is that 3333.7 liters wine along with 24.868 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 falsely implicated in the present case. It is alleged that



3333.7 liters wine along with 24.868 kg. Ganja is recovered from the Diara (the land surrounded by river water) in an abandoned state. The name of the petitioner has transpired in this case on the basis of secret information. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in the present 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 Section 100 Cr.P.C. and Sections-42 & 50 of NDPS 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 of the case, 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 bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Vaishali at Hajipur in connection with Raghapur (Rustampur O.P.) P.S. Case No. 125 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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