

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35626 of 2021

Arising Out of PS. Case No.-266 Year-2019 Thana- NADI P.S. District- Patna

Chandrika Rai Son of Late Harvansh Rai R/O Village- Ram Nagar, Karari,
Tola, P.S.- Athmalgola, District- Patna (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kr Singh No.1

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 22-12-2021 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 eight weeks.

Learned counsel for the petitioner submits that in the first paragraph of the main application, "*Nadi P.S. Case No. 266 of 2016*" has wrongly been mentioned in place of "*Nadi P.S. Case No. 266 of 2019*".

Accordingly, the counsel for the petitioner is permitted to make necessary correction in the first paragraph of the main application.

The petitioner is apprehending his arrest in connection with Special Case No. 155 of 2019, Nadi P.S. Case No. 266 of 2019 registered for the offence under Sections-8, 20, 22, 25 & 29 of the NDPS Act.

The prosecution case, in short, is that 84 kg. of 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 84 kg. of Ganja is recovered from the Bolero car, in question. The petitioner is alleged to be owner of the car, in question. The petitioner had no knowledge regarding the nature of goods, kept in the car.

On behalf of the State, it is submitted that the petitioner is named in the FIR. 84 kg. of Ganja is said to have been recovered from the car, in question. The said recovery is from conscious possession of the petitioner. In the light of Section-37 of the NDPS Act, the petitioner is not entitled for grant of bail.

Considering the aforesaid facts and circumstances of the case, the prayer for anticipatory bail of the petitioner is rejected.

However, if the petitioner surrenders in the court below and seeks regular bail, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

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