

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32268 of 2021

Arising Out of PS. Case No.-63 Year-2021 Thana- BAHADURGANJ District- Kishanganj

1. MAHENDRA PRASAD SINGH Son of Sarat Lal Singh Resident of Village - Dholmani (Bhouradah), Ward No. 8, P.S.- Bahadurganj, District - Kishanganj.
2. Leltu Lal Singh @ Parmeshwar Lal Son of Seltu Lal Singh @ Seltu Lal Resident of Village - Dholmani, Bhouradah, P.S.- Bahadurganj, District - Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Durga Nand Jha, Advocate
For the Opposite Party/s : Mr.Rajeev Nayan, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-12-2021 Heard learned counsel for the petitioners and learned
APP for the State.

Counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of eight weeks.

Counsel for the petitioners seeks permission to withdraw the present application on behalf of petitioner No.2, as the petitioner No.2 has been taken into judicial custody.

Permission is accorded.

The application filed on behalf of petitioner No.2 is dismissed as withdrawn.

The petitioner No.1 is apprehending his arrest in



connection with Bahadurganj P.S. case No.63/21 corresponding to Special case No.7/21 registered under Sections 8(b), 15(b) and 18(b) of the N.D.P.S. Act.

Prosecution case, in short, is that 10.800 kgs poppy straw is recovered from the field of petitioner No.1.

It has been submitted on behalf of the petitioner No.1 that the petitioner No.1 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner No.1. The petitioner No.1 has falsely been implicated in the present case. It is alleged that from the field of petitioner No.1, 10.800 kgs poppy straw is said to have been recovered. Same 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 State, it is submitted that the petitioner No.1 is named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioner No.1, 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) with two sureties of the like amount each to the satisfaction of



learned Sessions Judge-cum-Special Judge, (N.D.P.S.),
Kishanganj in connection with Bahadurganj P.S. case No.63/21
corresponding to Special case No.07/21, subject to the
conditions as laid down under Section 438(2) of the Code of
Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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