

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33604 of 2021

Arising Out of PS. Case No.-798 Year-2020 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

PRASANT VATS, aged about 41 years, Male, Son of Praful Chandra Rahi,
Resident of Village - Adampur, P.S.- Jogsar (O.P.), Distt.- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Rajive Ranjan Singh, Advocate.
For the Opposite Party : Mr. J.N. Thakur, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-07-2021 Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through Virtual mode.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 20 and 22 of the N.D.P.S.
Act.

The prosecution story, in brief, is that the informant
received secret information on 19.12.2020 at about 2.15 P.M.
that one Lal Babu Rai is selling brown sugar at Deepnagar Ghat.
Thereafter, he alongwith other police personals raided the spot
and apprehended the co-accused Lal Babu Rai. Thereafter, his



body search was conducted in presence of witness after following the rules of search and seizure and during the search seven small pouches of brown sugar kept in a plastic box of red color was recovered from the right pocket of his trouser. On inquiry, he disclosed to the raiding party that his other associates, namely, Nishant Kumar Choudhary @ Bandu and Prashant Vats (petitioner) provided him the recovered brown sugar for sale @ 300 per pouch. Thereafter, recovered brown sugar and mobile phone was seized by the police and seizure list was prepared and copy of the seizure list was also handed over to the apprehended person, namely Lal Babu Rai.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. He has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. 1.480 Grams of Brown Sugar is said to have been recovered from possession of co-accused Lal Babu Rai. The name of the petitioner has transpired in the present case on the basis of disclosure made by co-accused Lal Babu Rai. The recovered Brown Sugar 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 his personal bond to the satisfaction of the learned District and Sessions Judge-cum-(N.D.P.S.) Special Judge, Bhagalpur, in connection with Kotwali (Jogsar) P.S. Case No. 798/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) only with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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