

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36778 of 2021

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

Suraj Kumar Singh S/O Manvir Lal Singh @ Manvir Lal R/O Village-
Bangama Tola, Haskhuwar, P.S- Bahadurganj, District Kishanganj

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr.Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

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

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

The petitioner is apprehending his arrest in connection
with Bahadurganj P.S. case No.63 of 2021 giving rise to Special case
No.07/2021 registered under Sections 8(b), 15(b), 18(b) of the
N.D.P.S. Act.

Prosecution case, in short, is that 22.800 kgs opium plants
are 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 falsely been implicated in the present case. Opium plants are said
to have been recovered from different fields belonging to different



persons. As per the allegation, 22.800 kgs opium plants in abandoned state is alleged to have been recovered from the field belonging to the joint family of the petitioner. 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 is named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, 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) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge (NDPS Act), Kishanganj in connection with Bahadurganj P.S. case No.63 of 2021 giving rise to Special case No.07/2021, 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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