

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39775 of 2021

Arising Out of PS. Case No.-8 Year-2021 Thana- GHORASAHAN District- East Champaran

SANTOSH KUMAR Son of Ruplal Yadav Resident of Village - Regniya
Bijbani, P.S. - Jitna, District - East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Uday Pratap Singh, 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 Ghorasahan P.S. case No.8 of 2021 registered under
Sections 20, 22, 24 of the N.D.P.S. Act.

Prosecution case, in short, is that 10.500 kgs ganja
and one motorcycle 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. It is alleged that 10.500 kgs ganja and one motorcycle are recovered. The petitioner is not the owner of the motorcycle in question. The name of the petitioner has transpired in this case on disclosure made by co-accused. The recovery 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 3rd Additional Sessions Judge, Motihari, East Champaran in connection with Ghorasahan P.S. case No.8 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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