

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43314 of 2021

Arising Out of PS. Case No.-132 Year-2021 Thana- RANIGANJ District- Araria

Sadanand Mehta S/o Late Baldeo Mehta R/o village- Madhulatta, Ward No. 04, P.S.- Raniganj, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh

For the Opposite Party/s : Mr. Ajay Kumar No. 2

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.

The petitioner is apprehending his arrest in connection with Special Case No. 16 of 2021, Raniganj P.S. Case No. 132 of 2021 registered for the offence under Sections-21(b), 22(b), 25 of the NDPS Act.

The prosecution case, in short, is that 28 gms. smack like substance 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 28 gms. smack like substance is



recovered from joint house of the petitioner. The petitioner had no knowledge regarding the same. There is no recovery from conscious possession of the petitioner. The recovered contraband is below commercial quantity. Hence, section-37 of the NDPS Act is not applicable in the present case. There is no compliance of Sections-42 & 50 of the NDPS Act.

On behalf of the State, it is 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/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, Araria in connection with Special Case No. 16 of 2021, Raniganj P.S. Case No. 132 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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