

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45293 of 2021**

Arising Out of PS. Case No.-136 Year-2016 Thana- ADAPUR District- East Champaran

ASLAM MIYAN @ ASLAM ALI @ MD. ASLAM ALI S/O KHAIRATI
MIYAN R/o village- Sirisiya Mal, P.S.- Nakardei, District- East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Pandey, 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 Adapur (Nakardei) P.S. case No.136/16 registered under
Sections 20, 22, 23, 24 of the N.D.P.S. Act.

Prosecution case, in short, is that 95 grams opium is
recovered.

It has been submitted on behalf of the petitioner that
there is no allegation of tampering of witnesses alleged against
the petitioner. The petitioner has falsely been implicated in the
present case. The petitioner is not named in the F.I.R. The name



of the petitioner has transpired in this case on the disclosure made by co-accused. It is alleged that 95 grams opium is said to have been recovered from the motorcycle. 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 not 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 Additional Sessions Judge 3rd-cum-Special Judge, N.D.P.S. Act, East Champaran at Motihari in connection with Adapur (Nakardei) P.S. case No.136/16, 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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