

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46206 of 2021

Arising Out of PS. Case No.-127 Year-2021 Thana- GARDANIBAG District- Patna

Nirala Kumar S/O Sri Paras Nath Rai R/o village- Janta Road, New
Jakkanpur, P.S.- Gardanibagh, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha

For the Opposite Party/s : Mr.Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-12-2021 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. 37 of 2021, Gardanibagh P.S. Case No.
127 of 2021 registered for the offence under Sections-20(b)(ii),
22(ii) of the NDPS Act.

The prosecution case, in short, is that 328.18 gms.
Ganja 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 been falsely implicated in the
present case. It is alleged that 328.18 gms. Ganja is recovered



from the motorcycle. The same is below the commercial quantity. 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-cum-Special Judge, NDPS, Patna in connection with Special Case No. 37 of 2021, Gardanibagh P.S. Case No. 127 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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