

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34142 of 2020

Arising Out of PS. Case No.-130 Year-2020 Thana- KISHANGANJ District- Kishanganj

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REHAN ALAM @ REIHAN ALAM (M), aged about 42 years, Son of Manjur Alam, Resident of Village- Sitalpur, Police Station- Paharkatta, District- Kishanganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Raj Kumar, Advocate.

For the Opposite Party : Mr. Md. Shakir Ahmad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-03-2021 Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Section 22 of the N.D.P. S. Act.

The prosecution story, in brief, is that in course of vehicle checking, total 520 gms Ganja and 720 ml liquor is said to have been from the vehicle in question.

It has been submitted by learned counsel for the



petitioner that the petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner, as per the F.I.R., is the informer who has given information to the police in respect of the institution of the present case. Total 520 gms Ganja and 720 ml liquor is said to have been recovered from the vehicle in question. The recovered Ganja 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 and Section 100 of Cr. P.C.

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, the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned District and Sessions Judge-cum-Special Judge (Excise), Kishanganj, in connection with Excise Case No. 05 of 2020 (arising out of Kishanganj P.S. Case No. 130 of 2020),



subject to the conditions as laid down under Section 438(2) of
the Code of Criminal Procedure.

(Sudhir Singh, J)

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