

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37640 of 2020

Arising Out of PS. Case No.-31 Year-2020 Thana- SURSAND District- Sitamarhi

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LAL BABU SAH @ KALICHARAN Son of Sitaram Sah Resident of
Village- Sursand (West), Ward No. 03, P.s.- Sursand, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar

For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-07-2021 Heard learned counsel for the petitioner and the State
through virtual mode.

Learned counsel for the petitioner is directed to remove
the defect(s), as pointed out by the office, within a period of four
weeks after restoration of normalcy.

The petitioner is apprehending his arrest in a case
registered under Sections-8(c), 20(b)ii(B) of the NDPS Act.

The prosecution case, in short, is that 0.5 kg Ganja 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 0.5
kg. Ganja is recovered from the co-accused. The name of the
petitioner has transpired in this case on the basis of disclosure made



by co-accused. . The recovery of contraband is below the 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 and also the lockdown, 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 his personal bond to the satisfaction of learned Sessions Judge-cum-Special Judge, NDPS Act, Sitamarhi in connection with Sursand P.S. Case No. 31 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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