

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50346 of 2021

Arising Out of PS. Case No.-23 Year-2021 Thana- GHOSI District- Jehanabad

RAKESH SHARMA Son of Ram Swarup Singh Resident of Nandana,
Bharthu, P.S. - Ghosi, District - Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Sharma

For the Opposite Party/s : Mr.Madhura Nand Jha

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 Ghoshi P.S. Case No. 23 of 2021 registered for the offence under Sections-20(b)/20(b)/21/22 of the NDPS Act.

The prosecution case, in short, is that 33 Ganja plant weighing 31.3 kg. 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. It is alleged that out of 33 Ganja plants, 15 Ganja plants weighing 13.6 kg. is recovered from an open field which is alleged to be of the petitioner whereas 18 Ganja plants weighing 16.9 kg. and 800 gms of Ganja is recovered from the



open field and the water cabin belonging to the co-accused. The said allegation is denied by the petitioner. The field, in question from where Ganja plants are said to have been recovered, does not belong to the petitioner. The petitioner has been made accused in the present case due to mistake of fact. 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 District & Sessions Judge, Jehanabad in connection with Ghoshi P.S. Case No. 23 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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