

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50361 of 2021

Arising Out of PS. Case No.-177 Year-2019 Thana- MEHANDIGANJ District- Patna

AMIT KUMAR Son of Surendra Chouhan Resident of Mohalla- Loha Ka Pul
(Pratappur), P.S.- Mehdiganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar Singh

For the Opposite Party/s : Mr.Ramchandra Sahnii

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. 194 of 2019, Supplementary Record of Special Case No. 127 of 2019 arising out of Mehdiganj P.S. Case No. 177 of 2019 registered for the offence under Sections- 8(C) /20(b)/21(b)/22(b) of the NDPS Act.

The prosecution case, in short, is that 20 gms. smack 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 20 gms. smack is recovered from the co-accused. The same is below the commercial quantity. Section-37 of the NDPS Act is not applicable in the present



case. The name of the petitioner has transpired in this case on the basis of disclosure made by co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioner 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 Additional Sessions Judge-cum-Special Judge, NDPS, Patna in connection with Special Case No. 194 of 2019, Supplementary Record of Special Case No. 127 of 2019 arising out of Mehdiganj P.S. Case No. 177 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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