

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51876 of 2021

Arising Out of PS. Case No.-56 Year-2020 Thana- VAISHALI District- Vaishali

ARJUN RAI @ ARJUN KUMAR S/o Mahendra Rai Resident of Village-
Shahjahapur (Bhagwanpur Ratti), P.S.- Vaishali, District- Vaishali at Hajipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Chandra

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-12-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the Office, within a period
of eight weeks.

The petitioner is apprehending his arrest in a case
registered under Sections 8, 20(b) (ii)(a), 25 of the N.D.P.S. Act
and 25(1-b)a, 26 and 35 of the Arms Act.

The prosecution allegation, in short, is that one
country made pistol with one cartridge and 300 grams charas are
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 falsely been implicated in the present case. One country made pistol with one cartridge and 300 grams charas are recovered. The recovered contraband 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 recovery of any incriminating articles from the possession of co-accused. There is no compliance of Sections 42 and 50 of the N.D.P.S. 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, 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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge -1st, Vaishali at Hajipur in connection with Vaishali P.S. Case No. 56/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Pankaj/-

(Sudhir Singh, J)

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