

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52219 of 2021

Arising Out of PS. Case No.-438 Year-2017 Thana- NARPATGANJ District- Araria

Nabi Hussain @ Molvi @ Navi Husain S/O Md. Isa R/o village- Bairiya
Araji, P.S.- Birpur, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Naushad Uzzoha

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

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 (NDPS) Case No. 25 of 2017 arising out of Narpatganj (Basmatia) P.S. Case No. 438 of 2017 registered for the offence under Sections-8/20(b)(ii)(C) of the NDPS Act.

The prosecution case, in short, is that 23.5 kg. of 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. It is alleged that 23.5 kg. of Ganja is recovered from the car, belonging to the co-accused. The name of the petitioner has transpired in this case as the petitioner's name was figured in the contact list of the mobile phone of the co-accused. Except



for this, there is no other substantive evidence to suggest the implication of the petitioner in the present case. 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 not 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 Sessions Judge-cum-Special Judge, Araria in connection with Special (NDPS) Case No. 25 of 2017 arising out of Narpatganj (Basmatia) P.S. Case No. 438 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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