

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57528 of 2021

Arising Out of PS. Case No.-238 Year-2021 Thana- DUMRA District- Sitamarhi

Ram Kailash Singh, age 55 yrs, Gender-Male, Son Of Devendra Thakur,
R/O Village- Shiv Nagar, P.S.- Riga, District- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Virendra Kumar, Advocate
For the Opposite Party : Mr. Shailendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-12-2021 Learned counsel for the petitioner is directed to

remove the defects, as pointed out by the office, within a period

of eight weeks.

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with Dumra P.S. Case No. 238 of 2021 for the offence registered
under Sections 188 of the I.P.C., 52 of the Prisoners Act and
20(b)(ii)(A) of the N.D.P.S. Act.

The prosecution story, in brief, is that on 01.07.2021
at 9.00 A.M., Ram Kailash Singh (petitioner), Ex-Army Warden,
in course of discharging his duty at Gumati No. 3, dropped the
prohibited materials like 09 *Puriya Shikhar Gutkha*, 2 gms.



Ganja and 02 *Puriya Tobacco* wrapped in a black polythene inside the jail.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. It is alleged that 09 *Puriya Shikhar Guthka*, 02 *gms Ganja* and 02 *Puriya Tobacco* which were prohibited, dropped inside the jail by the petitioner. The recovered contraband *Ganja* 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 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 of the case, let the petitioner above named, in the event of arrest or 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 the learned Special Judge, Sitamarhi, in connection with Dumra



P.S. Case No. 238 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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