

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6417 of 2021

Arising Out of PS. Case No.-123 Year-2019 Thana- DARPA District- East Champaran

Neeraj Patel Son Of Balmiki Prasad Alias Valamiki Prasad Resident Of
Village-Bahadurpur, Police Station-Darpa, District-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-12-2021 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 399, 402, 412, 34 of the Indian Penal Code 25(1-B)a, 26, 35 of the Arms Act and 8, 20(ii), (B) of N.D.P.S. Act.

The prosecution case, in short, is that two pistols along with 14 live cartridges and 500 grams of 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 name of the petitioner has transpired on the basis of disclosure made by the co-accused. Except for this, there is no other substantive evidence to



suggest the implication of the petitioner in this case. It is alleged that 2 pistols along with 14 live cartridges and 500 grams charas are recovered from the possession of co-accused. The recovery of contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not attracted in the present case. There is no recovery of arms or contraband from the possession of the petitioner.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R./complaint case.

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 Chief Judicial Magistrate, East Champaran at Motihari in connection with N.D.P.S. Case No. 80 of 2019 arising out of Darpa P.S. Case No. 123 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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