

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10033 of 2021

Arising Out of PS. Case No.-94 Year-2019 Thana- SAHARSA SADAR District- Saharsa

ABDUL HANNAN S/O Late Haji Asgar Ali Resident Of Village - Alinagar
Ward No. 22, P. S. - Saharsa, District - Saharsa at Present village - Laxminia,
P.S. - Maheshi, Dist.- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar
2. THE UNION OF INDIA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.S. Jamil Akhtar

For the Opposite Party/s : Mr.Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-12-2021 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 20 and 22 of the N.D.P.S. Act.

The prosecution allegation, in short, is that 1 kg 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. The petitioner has falsely been implicated in the present case. 1 kg ganja is alleged to have been recovered from the lodge belonging to the petitioner. The same 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 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 District & Sessions Judge-cum- Special Judge, N.D.P.S. Act, Saharsa in connection with Saharsa Sadar P.S. Case No. 94/2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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