

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.675 of 2020

Arising Out of PS. Case No.-499 Year-2019 Thana- KHAGARIA District- Khagaria

1. NEERAJ KUMAR @ NEERAJ KUMAR ANAND Son of Prabhu Narayan Sah Resident of Village - Gandhi Nagar, Ward no. 4, P.S.- Khagaria, District - Khagaria.
2. Md. Izhaar Son of Md. Alim @ Md. Moim Resident of Mohalla - Babuganj (Vishwanathganj), ward no. 7, P.S.- Khagaria, District - Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through the Additional Director General of Directorate of Narcotics Control Bureau, Patna Zone, 67 - Kautilya Nagar, Near Raja Bazar, Patna - 800014.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Shanker Prasad
For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 29-11-2021 Learned counsel for the petitioner seeks permission of the Court to withdraw this application in respect of petitioner no. 1 as he has been taken into judicial custody.

Permission is accorded.

The application is dismissed as withdrawn in respect of petitioner no. 1.

Heard learned counsel for the petitioner no. 2 and learned APP for the State.

The petitioner no. 2 is apprehending his arrest in a case registered under Sections 8, 20(b), 11(c), 25 and 29 of the



N.D.P.S. Act.

The prosecution allegation, in short, is that on secret information, when the informant reached and searched the accused, 14 gram of smack from the possession of accused persons.

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. The name of the petitioner has transpired on the basis of disclosure made by the co-accused namely Md. Izhar. 14 grams of smack is said to have been recovered from the possession of co-accused Md. Shahjad. 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 the N.D.P.S. Act.

On behalf of the State, it is submitted that the petitioner no. 2 is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner no. 2, 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, Khagaria in connection with Special Case No. 07 of 2019 arising out of Khagaria P.S. Case No. 499 of 2019 , subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Pankaj/-

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