

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.13680 of 2022**

Arising Out of PS. Case No.-238 Year-2021 Thana- ROH District- Nawada

=====

PAPPU SINGH @ PAWAN KUMAR @ PAWAN SINGH @ PAWAN  
KUMAR SINGH Son of Late Rajendra Prasad Singh Resident of Village-  
Ratoi, P.S.- Roh, District- Nawada. ... .. Petitioner

Versus

The State of Bihar ... .. Opposite Party

=====

**Appearance :**

For the Petitioner/s : Mr.Pramod Kumar Sinha, Advocate  
For the Opposite Party/s : Mrs.Madhuri Lata, APP

=====

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      13-05-2022                      Heard learned counsel for the petitioner and learned  
APP for the State through virtual mode.

Learned counsel for the petitioner is directed to  
remove the defects, as pointed out by the Office, within a period  
of four weeks.

The petitioner is apprehending his arrest in a case  
registered under Sections 8(b)(c) and 20(a)(b) of the N.D.P.S.  
Act.

The prosecution allegation, in short, is that 25 ganja  
plants 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 petitioner has been made accused due to mistake  
of fact. 25 ganja plants are alleged to have been recovered from



the joint house of the petitioner. The petitioner had no knowledge that the plant in question was ganja plant. 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 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 Chief Judicial Magistrate, Nawada in connection with Roh P.S. Case No. 238/2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

Pankaj/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

