

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14989 of 2022

Arising Out of PS. Case No.-8 Year-2021 Thana- GHORASAHAN District- East Champaran

KANHAIYA KUMAR Son of Amarjeet Prasad Yadav @ Indrajit Ray @
Inarjit Ray Resident of Village - Regniya, P.S.- Jitna (Ghorasahan), District -
East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-05-2022 Heard learned counsel for the petitioner and the State
through virtual mode.

Learned counsel for the petitioner is directed to remove
the defect(s), as pointed out by the office, within a period of four
weeks.

The petitioner is apprehending his arrest in connection
with Ghorasahan P.S. Case No. 08 of 2021 registered for the offence
under Sections-20, 22 & 24 of the NDPS Act.

The prosecution case, in short, is that 10.5 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 been made accused in the present case due to mistake of fact.



The name of the petitioner has transpired in this case on the basis of disclosure made by co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in the present case. It is alleged that 10.5 kg. Ganja is recovered from the co-accused. The recovered Ganja is below the commercial quantity. Hence, section-37 of the NDPS Act is not applicable in the present case. There is no compliance of Sections-42 & 50 of the NDPS 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/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 learned 3rd Additional Sessions Judge, Motihari, East Champaran in connection with Ghorasahan P.S. Case No. 08 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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