

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19915 of 2022**

Arising Out of PS. Case No.-99 Year-2021 Thana- INDUSTRIAL District- Bhagalpur

MD MODASSIR S/o Md. Mumtaz R/o Biapari Tola, Mansarpur, Fatehpur,
Sabour, Fatehpur, P.S.- Zeromile, District- Bhagalpur, Bihar- 813233.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Syed Arshad Alam, Advocate
For the Opposite Party/s : Mr.Bharat Bhushan, APP

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

2 16-05-2022 Heard learned counsel for the petitioner and learned APP
for the State.

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 a case registered under Sections 8, 20(b)(ii)(C) and 22 of the N.D.P.S. Act.

Prosecution case, in short, is that 50 kgs ganja is recovered from the toilet situated at backside of the house of co-accused.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been made accused due to mistake of fact. The allegation of recovery of 50 kgs ganja is from the toilet of the co-accused. There is no recovery of any contraband like



substance from the conscious or constructive possession of the petitioner. The name of the petitioner has transpired in this case merely on the disclosure made by local Chaukidar, who claims to have identified the petitioner in the torch light. It is further submitted that the petitioner is not known to the Chaukidar nor the Chaukidar is known to the petitioner. Hence the identification made by the Chaukidar in the torch light appears to be doubtful. 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 complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioner, above named, in the event of arrest or 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 Sessions Judge, Bhagalpur in connection with Industrial Area P.S. case No.99/2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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