

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21535 of 2022

Arising Out of PS. Case No.-460 Year-2021 Thana- JOKIHAT District- Araria

TOUSHIK @ LAFFU S/o Moharram R/o village- Chirah Ward No. 01, P.S.-
Mahalgaon (Jokihat), District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana, Advocate
For the Opposite Party/s : Mrs.Nirmala Kumari, 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.

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 20(b)(ii)(c) of the N.D.P.S. Act.

Prosecution case, in short, is that 75.290 kgs ganja like
substance 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 due to mistake of fact. It is alleged that
75.290 kgs ganja like substance is said to have been recovered from
the house of co-accused. The name of the petitioner has transpired in
this case on the basis of secret information as per F.I.R. The source



and genuineness of the secret information has not been disclosed by the prosecution. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. There is no recovery of ganja from the conscious or constructive possession of the petitioner. 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, Araria in connection with Jokihat (Mahalgaon) P.S. case No.460 of 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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