

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70345 of 2021**

Arising Out of PS. Case No.-413 Year-2021 Thana- UDWANTNAGAR District- Bhojpur

MAHESH KUMAR Son of Chandra Prakash Singh @ Chandra Prakash
Mahto R/o Village - Masarh, P.S.- Udwanthnagar, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

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

2 09-03-2022 Heard learned counsel for the petitioner and learned
APP for the State.

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
Udwanthnagar (Gajrajganj) P.S. Case No. 413/2021 registered
under Sections 20(b)(ii)(c) and 29 of the N.D.P.S. Act, 1985.

Prosecution allegation, in short, is that 25 kg ganja
was recovered from motorcycle.

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. 25 kg ganja is alleged to have been recovered from the motorcycle being driven by the co-accused namely Mahendra Pathak. The name of the petitioner has transpired as being owner of the motorcycle in question. The petitioner had no knowledge regarding the nature of goods kept in the motorcycle. 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. The contraband which has been recovered from the motorcycle of the petitioner is above the commercial quantity. The petitioner is not entitled for bail in light of Section 37 of the N.D.P.S. Act.

Considering the same, I am not inclined to grant anticipatory bail to the petitioner. Prayer is rejected. However, if the petitioner surrenders in the Court below and prays for bail, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

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