

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72077 of 2021

Arising Out of PS. Case No.-119 Year-2021 Thana- MAHINDWARA District- Sitamarhi

DEEPAK SAHNI Son of Manjhi Sahni Resident of Village - Hari Nagar,
Ward No.7, P.S.- Mahindwara, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh
For the Opposite Party/s : Mr. Ravindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-08-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with Mahindwara P.S. Case No. 119 of 2021 registered for the offences punishable under Sections 8/17(C) and 18(C) of the N.D.P.S. Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of recovery of 2Kg 700gm of AFIM from Manoj Rai, who was apprehend at the place of occurrence.

Learned counsel for the petitioner submits that petitioner was not apprehended at the the spot and his name transpired in the confessional statement of Manoj Rai, the learned counsel for the petitioner next submits that no doubt it is



the case under the N.D.P.S. Act and the law is stringent as such false implication is rampant.

Learned counsel for the petitioner next submits that recently the Hon'ble Supreme Court in one case has held that confession made before the police under the N.D.P.S. Act has no evidentiary value, the learned counsel further submits that there is one another order of the Hon'ble Supreme Court which has relied on the judgment in which it has been held that confession before an official under the N.D.P.S. Act even does not have evidentiary value, it is next submitted that here the confession was made before the police which as such has no evidentiary value.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that though the learned counsel is making submissions but has not produced the judgment on which he relies.

At this stage, the learned counsel for the petitioner seeks permission to withdraw the anticipatory bail application.

Permission is accorded.

At this stage, the learned counsel for the petitioner submits that he will be filing surrender-cum-bail application in the learned trial court along with judgments of the Hon'ble



Supreme Court. In the event, if such application is filed, the learned trial court shall pass order in accordance with law.

(Satyavrat Verma, J)

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