

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74141 of 2022

Arising Out of PS. Case No.-139 Year-2022 Thana- MURLIGANJ District- Madhepura

Aman Kumar Singh @ Aman Kumar, Son of Late Satyendra Kumar Singh @ Late Satyendra Singh @ Satyendra Prasad Singh, R/O Digghi, Ward No.5, P.S.- Murligunj, District- Madhepura, permanent address Sadhiya (NAVIN Nagar) Ward No.3, P.S.- Simri Bakhtiyarpur, District- Saharsa

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Swapnil Kumar Singh, Advocate
For the Opposite Party : Mr. Ramesh Chandra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-04-2023 As per office notes dated 22.12.2022, it has been pointed out that the criminal antecedent of the petitioner be verified and corrected at para no. 3 of the petition with fifth para of the impugned order.

It has been pointed out by learned counsel for the petitioner that a specific statement has been made in paragraph no. 3 of the petition that the petitioner has got no criminal antecedent. In the impugned order dated 27.09.2022, passed by the Sessions Court, criminal antecedent has been mentioned in respect of other co-



accused and not against the petitioner.

The defect as pointed out by the office notes dated 22.12.2022 is ignored.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is apprehending his arrest in connection with Murliganj P.S. Case No. 139/2022 for the offence registered under Sections 18, 20,22 of the N.D.P.S. Act and Sections 30(a) and (c) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that 200 Gram Ganja is said to have been recovered from maternal joint house of the petitioner.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. He has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. 200 Gram Ganja is said to have been recovered from the maternal joint house of the petitioner. The same is below the commercial quantity. The petitioner is named in the F.I.R. The name of the petitioner has



transpired in the present case on the basis of confessional statement of the co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr. P.C. and Sections 42 and 50 of the N.D.P.S. Act. Learned counsel for the petitioner has placed reliance upon the order dated 13.04.2022 passed by the Hon'ble Supreme Court in *Criminal Appeal No. 626 of 2022, arising out of SLP (Crl.) No. 3005 of 2022 (Sweta Kumari-Versus-The State of Bihar)*.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances, 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 bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the



satisfaction of the learned Additional District and Sessions Judge-Vth-cum-Special Judge, Excise Act, Madhepura, in connection with Murliganj P.S. Case No. 139 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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