

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39622 of 2015

Arising Out of PS.Case No. -30 Year- 2013 Thana -GOVERNMENT OFFICIAL COMP. District-
EASTCHAMPARAN(MOTIHARI)

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Bibhav Kr Mishra S/o Sri Madan Mishra Resident of Village Chapra Bahas,
P.S. Sugauli, District East Champaran.

.... Petitioner

Versus

The Union of India

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Pankaj Kumar, Advocate.

For the Opposite Party : Mr. Satyadarshi Sanjay

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 10-11-2015 Heard both sides.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 20, 23 and 29 of the
N.D.P.S. Act.

One Tata Magic vehicle bearing Registration No.
BR05P-6873 was intercepted and from the vehicle 65 kg. of Ganja
was recovered.

It is submitted that the petitioner was not apprehended
on the spot. The petitioner was not even named in the first
complaint filed by the Custom officials, but after enquiry it
transpired that the petitioner was the owner of the vehicle. It is
further submitted that the petitioner had already sold his vehicle to
one Kuraish Kumar Tiwary on 18.12.2012, much prior to the date

of recovery of the vehicle, but unfortunately the owner book of the vehicle could not be transferred and the same remained in the name of the petitioner.

It appears that although the petitioner took plea that he sold the vehicle to one Kuraish Kumar Tiwary, but Kuraish Kumar Tiwary denied purchasing of vehicle from the petitioner prior to recovery of the vehicle.

Having considered the facts aforesaid and the fact that the petitioner is the owner of the vehicle from which 65 kg. of Ganja was recovered, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

However, the petitioner, if so advised, may surrender before the court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail, his prayer shall be considered on its own merit without being prejudiced by this order.

(Prabhat Kumar Jha, J.)

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