

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15577 of 2016

Arising Out of PS.Case No. -310 Year- 2014 Thana -FATUHA District- PATNA

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Baij Nath Rai @ Baij Nath Yadav son of Sri Banbari Rai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Tiwary, Advocate

For the Opposite Party/s : Mr. Nirmala Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 19-05-2016

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 20/22 of the NDPS Act.

Prosecution case is that the informant being the Sub-Inspector of Police intercepted an auto rickshaw but the driver escaped from the scene when from the auto rickshaw two bags were recovered each containing 10 kilograms of ganja. The FIR was registered against the petitioner describing him as the owner of the auto rickshaw.

It is submitted by learned counsel for the petitioner that the FIR suggests that from the auto rickshaw only driver escaped from the scene. Admittedly, the informant did not identify the petitioner as the driver as he has been made accused in the FIR by describing him as owner of the auto rickshaw. Paragraph 26 of the

case diary reflects that verification from the office of the DTO, Patna, the vehicle was found registered in the name of one Tunna Lal. Admittedly, petitioner is not owner of the seized auto rickshaw. Hence, the petitioner has been made accused only on suspicion.

After going through the case diary learned APP for the State submits that there is no specific material collected during investigation against the petitioner. A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the aforesaid facts, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Special Court of NDPS Offences, Patna in connection with Fatuha P.S. Case No.310/2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Ashwini/-

(Dinesh Kumar Singh, J)

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