

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20196 of 2016

Arising Out of PS.Case No. -16 Year- 2016 Thana -MAGADH MEDICAL COLLEGE District-
GAYA

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Nand Kumar Verma Son of late Uma Shankar Prasad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramashish, Advocate

For the Opposite Party/s : Mr. M.K.Nirala(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-05-2016

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 414, 420, 120B/34 of the Indian Penal Code and 47a of the Excise Act.

Prosecution case is that the informant being Inspector-cum-SHO, Magadh Medical College police station came to know through CCTV footage that at the Gaya International Airport the petitioner Nand Kumar Verma and co-accused Ganga Dayal Prasad put two bags on the trolley of the airport at the instance of co-accused Kanchan Chatterjee, Superintendent of Custom Department. The informant further came to know from one Chandan Kumar Sharma, the agent of tour and travel agency that co-accused Binod Singh after taking four suitcases from the airport went in Innova Vehicle from the airport. Thereafter, the informant raided the

house of co-accused Binod Singh. Though, co-accused Binod Singh escaped from the scene but on search 10 bottles of foreign liquor were recovered from his house. Thereafter, the house of co-accused Kanchan Chatterjee was raided from where cash of Rs.43000/- and twenty American dollar were recovered.

It is submitted by learned counsel for the petitioner that admittedly the recovery was not made from the petitioner. The petitioner was working as casual labour under the Custom Department and the prosecution case is based on CCTV footage that the petitioner put two bags on the trolley and loaded on the vehicle on the direction of the superior officers. There is nothing on record to suggest that the petitioner was aware about the articles being kept in those four bags. A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent. Moreover, co-accused Binod Singh, from whom recovery of foreign liquor has been made, has been granted anticipatory bail by a co-ordinate Bench of this Court vide Criminal Miscellaneous No.17587/2016.

Considering the above mentioned 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 learned ACJM, IV, Gaya, in connection with Magadh Medical College P.S. Case No.16/2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.



Ashwini/-

(Dinesh Kumar Singh, J)

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