

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 23428 of 2017

Arising Out of PS.Case No. -2 Year- 2016 Thana -ECONOMIC OFFENCES, BIHAR District-
PATNA

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Pramod Sah S/o Jagdish Sah, Resident of Village-Sukulwa, Dahitata, Bazar, P.S.-
Gopalganj, District-Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar
2. The State of Bihar through the Economic Offence Unit.

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar Tiwary, Advocate
For the State	:	Mr. Permishwar Mehta, A.P.P.
For the Union of India	:	Mrs. Shail Kumari, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 11-07-2017

Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the Union of India
(Economic Offence Unit).

2. The petitioner apprehends arrest in connection
with Economic Offences P.S. Case No. 02 of 2016 dated 07.04.2016
instituted under Sections 8, 20 (b) (ii) (C) /25/29 of the NDPS, Act,
1985.

3. The allegation against the petitioner and four
others is of dealing in contraband *Ganja* and there has been recovery
of 60 kgs. *Ganja* from the co-accused.

4. Learned counsel for the petitioner submitted that
the co-accused has taken his name due to enmity as earlier he had
complained against them to their parents due to which they were



reprimanded and to take revenge he has been falsely implicated. Learned counsel submitted that the petitioner has no criminal antecedent and has good social reputation. It was submitted that the co-accused who had taken his name are habitual offenders.

5. Learned A.P.P. and learned counsel for the Union of India submitted that 60 kgs. *Ganja* having been recovered and the persons caught naming the petitioner who is said to the person for whom it was being taken, at this stage, it cannot be said to be false implication and the same shall be seen at the stage of trial.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

7. The application, accordingly, stands dismissed.

8. However, in the event the petitioner surrenders and prays for regular bail before the Court below, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

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