

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39489 of 2017

Arising Out of PS.Case No. -190 Year- 2017 Thana -BIHIYA District- BHOJPUR

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1. Praveen Singh @ Dipu Singh @ Dipu Kumar Singh son of Upendra Prasad Singh @ Upendra Singh @ Major Singh resident of village - Masarh, Police Station - Udwant Nagar, District - Bhojpur at present Mohalla - Sudana, Police Station - Medani Nagar, District - Daltonganj (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Mr. Sri Atul Chandra

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 06-10-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Bihiya (Behea) P.S. Case No. 190 of 2017 instituted for the offence under Sections-20 & 22 of NDPS Act.

It has been submitted that the petitioner has clean antecedent. His name has been disclosed by one of the accused who has been apprehended on the spot by police. Counsel for the petitioner has further submitted that apprehended accused has asserted before the police that seized Ganja belongs to him and he has purchased the said Ganja from the petitioner and other co-accused persons, but he has not produced any paper showing that he has purchased those Ganja from the petitioner.

In the written report, it is alleged that on secret information,



police apprehended one pick up Van, on which, 90 kgs of Ganja was found loaded. The police apprehended one person who disclosed his name as Guddu and also stated that the Ganja belong to him. He further stated that he is bringing the said Ganja from the petitioner and other two persons as named in the written report. He did not produce any paper to show that he is bringing the Ganja from the petitioner.

As such, there is no recovery of Ganja from possession of the petitioner. His name has been disclosed by co-accused Guddu, who was apprehended by the police.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Bihiya (Behea) P.S. Case No. 190 of 2017 to the satisfaction of learned Sessions Judge, Bhojpur, Ara subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case,



prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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