

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17798 of 2017

Arising Out of PS.Case No. -12 Year- 2017 Thana -BIRPUR District- SUPAUL

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Baua Lal Mandal @ Baua Mandal, Son of Kalar Mandal, resident of
Village- Bishanpur - Shivram, Police Station - Bhimpur, District - Supaul.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**
ORAL ORDER

3 31-07-2017 Heard.

The petitioner apprehends his arrest in connection with
Birpur P.S. Case No.12 of 2017 (Special Case No.02 of 2017)
registered under Sections 38(1) and 41(1)(2) of the Bihar
Prohibition and Excise Act, 2016 besides Sections 22(a) and 23 of
the N.D.P.S. Act, pending in the court of the Special Court,
Supaul.

The accusation is that on 18.01.2017 at about 01.30 O’
Clock., the informant received confidential information about
carrying of narcotics loaded on Scorpio vehicle bearing
Registration No.BR-11Y-3156 towards Bauraha Via Badshah
Chowk, Balbhadrapur Road. Thereafter, the informant alongwith



other police officials reached there. After sometime, one Scorpio vehicle bearing Registration No.BR-11Y-3156 was seen coming in high speed. On giving the signal to stop the same, the driver of the aforesaid vehicle accelerated the speed of the vehicle and started to flee away. In that course, the aforesaid vehicle dashed with the tree and the driver and others, boarded on the aforesaid vehicle, succeeded to flee away, leaving the aforesaid vehicle. On search of the vehicle, 12 kilograms Nepali Ganja and 1264 bottles of Nepali Sofia Liquor, each containing 300 ml., etc. were recovered. In one receipt, the Registration number of the vehicle was mentioned as BR-11Y-3156 whereas the name of the owner and driver of the vehicle was mentioned as Tipu Kumar and Baua Mandal (petitioner) respectively.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was not apprehended on the spot and on mere suspicion, he has falsely been implicated in this case being the driver of the vehicle from which the aforesaid recovery was made. The petitioner has no criminal antecedent.

Having considered the facts and the circumstances of the case and the nature of allegation, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer of the petitioner for grant of anticipatory bail stands rejected. However,



the petitioner is directed to surrender before the trial court within four weeks from today and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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