

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60043 of 2017

Arising Out of PS.Case No. -129 Year- 2017 Thana -DURGAWATI District- BHABHUA
(KAIMUR)

=====

Sanjay Dubey, S/o Late Ram Janam Dubey R/o village- Govardhanpur,
P.S.- Akorhi Gola, District- Rohtas (Bihar).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bikramdeo Singh, Advocate
Mr. Vasant Vikas, Advocate

For the Opposite Party/s : Mr. J.N. Thakur, APP

=====

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

02/ 12-12-2017

Heard Mr. Bikramdeo Singh, learned

counsel for the petitioner and Mr. J.N. Thakur, learned counsel
for the State.

The petitioner is apprehending his arrest in
a case registered for the offences punishable under Sections 8,
20(b)(ii)(c), 25 and 27A of the NDPS Act.

The prosecution case is that on secret
information that trafficking of ganja is going on, the police
intercepted a Duster car in which three persons were travelling
and from the said Duster car two packets of ganja each of 5.750
kgs., total weighing 11.500 kgs. ganja were recovered.
Consequently on the statement of apprehended persons the



house of Rajkumar Gupta was raided and from there four packets of ganja total weighing 22.950 kgs. ganja were recovered and from the shop of Munna Sah fifteen packets of ganja total weighing 33.15 kgs. ganja were recovered. The apprehended accused disclosed that they earlier sold about 30 kgs. of ganja to the petitioner.

It is submitted by learned counsel for the petitioner that admittedly there is no recovery from the petitioner and petitioner has been roped in the present case only on the basis of statement of apprehended accused that they sold certain quantity of ganja earlier to the petitioner. It is further submitted that the petitioner is not having any criminal antecedent and statement to that effect has been made in paragraph 3 of the petition.

Learned APP submits that the apprehended accused admitted that they sold certain quantity of ganja to the petitioner but admits that there is no recovery from the petitioner.

Considering the fact that recovery has not been made from the petitioner and on the basis of statement of co-accused his name sprang up and that he is having no criminal antecedent, 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 twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Kaimur at Bhabua in connection with Durgawati P.S. Case No. 129 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bonds of the petitioner shall be accepted on filing affidavit that the petitioner will regularly cooperate in the investigation. The non-cooperation in investigation will give liberty to the prosecution agency to file appropriate application before the learned Court below for cancellation of the bail bonds of the petitioner.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--

