

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56469 of 2017

Arising Out of PS.Case No. -122 Year- 2017 Thana -MUFFASIL District- AURANGABAD

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Kuldip Yadav, Son of Prayag Yadav, Resident of Village- Somiya Tola,
Kewaliya, P.S.- Barachatti, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar

For the Opposite Party/s : Mr. Sri Ataur Rahman

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 06-12-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Aurangabad Muffasil P.S. Case No. 122 of 2017, registered under Sections 8/17(C)/18(C) of the N.D.P.S. Act, pending in the court of Sessions –cum-Special Judge, NDPS, Aurangabad.

The accusation is that on secret information about carrying of opium from Jharkhand loading on the vehicle, the informant being the Inspector of Aurangabad Muffisal Police Station started checking on N.H.2. At that time, one Maruti car was seen, which was stopped. On search, six bags, containing 264 K.G., opium were recovered. The driver of the Maruti van disclosed his name as Imran Ansari and also disclosed that the



Maruti van belongs to this petitioner.

Learned counsel for the petitioner submits, in fact, Imran Ansari was driving the Maruti van of the petitioner earlier, but due to urgent need of money for treatment of wife, the petitioner sold the Maruti van to Imran Ansari on consideration amount of Rs.1,40,000/-, out of which, Rs.1,15,000/- was paid, regarding which, sale deed was executed on stamp paper on 28.04.2017 before the Notary Public, but the paper could not be transferred in favour of Imran Ansari. As such, Maruti van on the date of occurrence was not belongs to the petitioner.

Having considered the facts and circumstances of the case and the quantity of opium, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, his prayer for grant of anticipatory bail stands rejected. The petitioner is directed to surrender before the trial court within four weeks and pray for regular bail, which would be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

Bhardwaj/-

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