

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54154 of 2017

Arising Out of PS.Case No. -222 Year- 2017 Thana -SHASTRINAGAR District- PATNA

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1. Gautam Kumar, S/o Bhagwan Prasad, R/o Akari, P.S.- Paliganj,
District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary, Advocate

For the Opposite Party/s : Mr. Binod Kumar 2, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 23-11-2017

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Special Case No.53 of 2017 arising out of Shastri Nagar P.S. Case No.222 of 2017** instituted for the offence under Section(s) 20, 22 of the NDPS Act.

Counsel for the petitioner has submitted that there is no recovery of any Ganja from his possession. His name has been disclosed before the police by one Vishnu Kumar, who was named by one Deepak Kumar Sahani.

It is alleged that one Deepak Kumar Sahani was apprehended by the police with one Kg. *Ganja* kept in 205 Puriyas, three packets having 25 boxes in each packet having ten cigarrate of Ganja in each box. It is further alleged that Deepak



Kumar Sahani told that the seized articles belongs to Vishnu Kumar and Munna Kumar, who have given him to sell. Thereafter, police raided the house of accused Vishnu Kumar and Dablu Alam and made search in presence of independent witnesses and recovered 26 Kg. Ganja kept in different packets as well as one packet having 25 boxes of cigarette containing *Ganja*. It is further alleged that the apprehended persons disclosed the name of their associates as Munna Kumar, Rakesh Kumar, and Gautam Kumar (petitioner).

As such, besides naming of the petitioner by the co-accused in his confessional statement there is no any recovery from his possession.

It is mentioned in para 3 that the petitioner has clean antecedents.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Special Case No.53 of 2017 arising out of Shastri Nagar P.S. Case No.222 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of `10,000/- (ten thousand) with two sureties of the like amount each



to the satisfaction of the **Sessions Judge-cum-Special Judge, Patna**, subject to the conditions as laid down under Section 438(2) 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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