

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.60056 of 2017

Arising Out of PS.Case No. -7 Year- 2016 Thana -KATIHAR (R.T) District- KATIHAR

=====

Anil Kumar, S/o Shiv Shankar Sah, R/o Village- Sohni Patti, P.S.- Sarimpur, District- Buxar.

.... Petitioner/s

Versus

1. The Union of India, Through the Director N.D.P.S. Govt. of India, New Delhi,
2. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner : Mr. Bimal Kumar, Advocate
For the State : Mr. Sri Ram Anurag Singh, APP
For DRI : Mr. Anshuman Singh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 12-12-2017

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 8, 20 and 22 of the NDPS Act

The prosecution case is that one Md. Sohail Ahmad was apprehended by the RPF Personnel from Train No. 12423 Rajdhani Express near Barsoi and from the said person 25 kgs. of ganja were recovered and accordingly, the FIR was registered. Subsequently, during course of investigation apprehended accused named this petitioner.

It is submitted by learned counsel for the



petitioner that admittedly the recovery has not been made from the petitioner and that he has been made an accused on the basis of the statement made by the apprehended accused, subsequently, during investigation, which is nothing but an attempt by the prosecuting agency to maliciously implicate the petitioner, since, had the apprehended accused disclosed the name of the petitioner immediately on being apprehended, then the petitioner would have been named in the FIR. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner's name sprang up on the statement of apprehended accused from whose recovery has been made.

Considering the fact that the recovery has not been made from the petitioner and statement has been made in paragraph 3 of the petition that the petitioner is not having any 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, Katihar in connection with Katihar Rail P.S.



Case No. 07 of 2016, 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	
---	--	---	--

