

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1595 of 2018

Arising Out of PS. Case No.-299 Year-2017 Thana- ARA NAGAR District- Bhojpur

Dipu @ Master Son of Sri Ranvijay Singh, Resident of Village-Masarh,
Police Station- Udwant Nagar in the Mohalla-Vasant Vihar Colony, Old
Police Line, Ara, Police Station-Ara Town in the District of Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Zonal Director, Narcotics Control Bureau, Bihar, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Akhileshwar Pd. Singh, Sr. Advocate Mr. Prabhu Narayan Sharma Mr. Amrit Anunay
For the Opposite Party/s :		Mr. SRI SURESH PRASAD SINGH

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-01-2018 Heard learned counsel for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under section 20(B)(ii)(A) of the NDPS Act.

The prosecution case got initiated on the written report of Pankaj Kumar Saini dated 1.6.2017, is to the effect that on the same day on secret information that one Babloo Keshari, resident of village Gausganj is selling ganja, a raiding team was constituted along with Executive Magistrate. Raid was laid, during course of which it was found that Babloo Keshari was sitting in his betel shop. Seeing the raiding team, Babloo tried to escape from the scene but on chase, he was intercepted. On interrogation, Babloo disclosed that Sheo Kumar Singh and



Amit Kumar Singh were to supply ganja to one Munna Keshari. In the meantime, aforementioned accused persons were seen on two different motorcycles. Five kilogram ganja was found in the bag hanging with the handle of Passion Pro motorcycle of Sheo Kumar Singh and 32 Kilogram ganja was found in the bag hanging with the handle of Hero Honda motorcycle belonging to Amit Kumar Singh. On interrogation Sheo Kumar Singh and Amit disclosed that they have taken delivery of consignment from the petitioner and one Mithilesh Singh to supply the same to one Munna Keshari. Subsequently, the house of Munna was raided where he was found preparing small sachets of ganja. On search, six kilograms of ganja was recovered along with cash of Rupees Ninety Two Thousand Five Hundred.

It is submitted by learned Senior Counsel for the petitioner that admittedly there is no recovery from the petitioner and name of the petitioner sprang up on the confession of co accused Shivam Kumar Singh and Amit Kumar Singh and similarly situated co-accused Mithilesh Kumar Singh alias Mithilesh Singh has been granted anticipatory bail vide Cr. Misc. No. 56912 of 2017. Statement has been made in paragraph 3 of the petition that the petitioner is accused in two other cases; one being Udwant Nagar P.S. Case No. 143 of 2009



registered under sections 341,323,379,452 and 406/34 of the IPC, in which the petitioner has not been sent up for trial and the other being Udwant Nagar P.S. Case No. 64 of 2011 under sections 147,341,342 and 323/34 of the IPC in which the petitioner is on bail.

Learned APP submits that the petitioner's name sprang up on the confession of co accused.

Considering the fact that offence under section 20(B)(ii) (A) of the NDPS Act gets constituted when any person produces, manufactures, possesses, sells, purchases, transports, imports inter-state, export inter-state or uses cannabis and the fact that the petitioner is not accused in any other case of similar nature coupled with the fact that similarly situated accused have been granted anticipatory bail, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special judge, NDPS Case, bhojpur at Ara in connection with Ara Town P.S. Case No. 299 of 2017, subject to the conditions as laid down in Section 438(2) of the Cr.P.C.

The bail bonds of the petitioner will be accepted on filing



affidavit that the petitioner will cooperate in the trial. Non-cooperation in the trial will give liberty to the learned court below to cancel the bail bonds of the petitioner.

(Dinesh Kumar Singh, J)

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