

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.718 of 2018

Arising Out of PS. Case No.-12 Year-2017 Thana- BIRPUR District- Supaul

Tipu Kumar S/o Mathura Nand Mandal, R/o Bishanpur Shivram, P.S.- Balua Bazar, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh
For the Opposite Party/s : Mr. MD. SUFIYAN

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 05-02-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in Birpur P.S. case No.12 of 2017 corresponding to Special Case No.02 of 2017 registered under Sections 420, 120B of the I.P.C. and Sections 38(1), 41(1)(2) of the Bihar Excise and Prohibition Act, 2016 and Sections 22(a) & 23 of the N.D.P.S. Act, pending in the court of Sessions Judge, Supaul.

The prosecution case, in short, is that on secret information that some prohibited articles is being smuggled by one scorpio car, the informant and other police personnel started chasing the vehicle but the accused persons fled away after leaving the scorpio car. 12 kg of Nepali ganja and 1264 bottles of Nepali liquor is said to have been recovered from the scorpio car in



question.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. As per the F.I.R. itself, it is admitted that the petitioner is working in Delhi. He has got no concern with the alleged incident. He has been made accused only because he is the owner of the vehicle in question, on which contraband substance is said to have been recovered along with Nepali liquor. The contraband substance recovered from the vehicle in question is much below than the commercial quantity. The recovery has not been made from the conscious possession of the petitioner.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. and he is the owner of the vehicle in question.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The prayer for anticipatory is rejected.

Anyhow if the petitioner surrenders in the court below and prays for regular bail, the same shall be considered on its own merit without being prejudiced by this order taking into account



that the recovery has not been made from the conscious possession of the petitioner and the quantity of contraband substance in question is much below than the commercial quantity.

(Sudhir Singh, J)

Narendra/-

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