

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19942 of 2018

Arising Out of PS. Case No.-158 Year-2016 Thana- MALSALAMI District- Patna

Pappu Kumar S/o Dinesh Ray Resident of Village- Jethuli, P.S. Fatuha,
District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Sinha
For the Opposite Party/s : Mr. Sri Arun Kumar

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 11-05-2018 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner apprehends his arrest in Mal Salami P.S. case
no. 158 of 2016 instituted for the offence under Section(s) 20,
22, 25, 25(A) of the NDPS Act.

In the written report it is alleged that on confidential
information the police surrounded the truck standing at
Didarganj Halt and Bolero was also standing near the truck. It
is further alleged that three persons got down from the said
truck and fled away towards Railway line whereas the police
apprehended two persons sitting in Bolero and other three
persons sitting in truck who disclosed their name as mentioned
in the written report. It is alleged that total 13 packets weighing
6 quintals of ganja were recovered from the Bolero vehicle and



the truck. The apprehended persons disclosed that the persons who fled away were Dinesh Rai and Pappu Rai (petitioner) .

In this manner, from the written report itself it is apparent that petitioner was not apprehended from the place of occurrence. There is no recovery from his conscious possession. Seizure list does not bear either the name of petitioner or signature of petitioner.

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. 27 of 2016 arising out of Mal Salami P.S. case no. 158/16., he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J. III, 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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