

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43125 of 2018

Arising Out of PS. Case No.-109 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Apurav Gupta @ Apurva Gupta, Son of Late Upendra Kumar Gupta, Resident
of Mohalla- Brahampur, Police Station- Kotwali, District- Badaun (Uttar
Pradesh).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2
For the Opposite Party/s : Smt. Anusuiya Jaiswal

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 07-08-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case
registered under Sections 18(b) and 8(c) of the Narcotic Drugs
and Psychotropic Substance Act and Sections 30(k), 56(gh) of
the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 23 kg opium and
Rs.10,100/- cash are recovered.

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
name of the petitioner has come on the disclosure of co-accused,



namely, Dharamvir Singh Yadav and Sunil Kumar Yadav, who were apprehended with the contrabands. The arrested co-accused alleged regarding the involvement of the petitioner. The petitioner was not found on the spot. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 23 kg opium and Rs.10,100/- cash are recovered from the conscious possession of other co-accused Dharamvir Singh Yadav and Sunil Kumar Yadav, who were travelling in a car. There is no recovery of any contraband from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R./complaint.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge, Gaya in connection with Excise case No.109 of



2018, subject to the conditions as laid down under Section
438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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