

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6006 of 2019

Arising Out of PS. Case No.-370 Year-2018 Thana- RUNISAIDPUR District- Sitamarhi

RAKESH SAH @ RAKESH KUMAR Ram Ekbal Sah Resident of village-
Tilak Tajpur, Tole Ramnagara, P.S.- Runni Saidpur, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamal Kishore Sinha
For the Opposite Party/s : Dr. Indihar Kumari

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-02-2019 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 20(B)(ii) and 29 of the NDPS Act.

The prosecution case as per the self statement of Ram Parikha Singh, Sub-Inspector of Police, Runni Saidpur Police Station dated 26.6.2018 is to the effect that when the informant was informed by the Officer-in-charge of the said police station to the effect that in village Tilakrajpur, the villagers have caught two persons with a suspected bag, whereupon, the informant reached at the spot and apprehended two persons who disclosed their names as Birendra Kumar Purvey and Bittu Kumar (non-petitioner). It is alleged that from the bag, 5.246



kilograms ganja were recovered and the apprehended accused suggested that they were carrying ganja at the behest of the petitioner.

It is submitted by learned counsel for the petitioner that even assuming the accusation to be true, recovery has not been made from the petitioner. In fact, the recovery has been made from the cattle shed of one Ram Lagan Sah but he has not been made accused. It is further submitted that the petitioner is on litigating terms with aforesaid Ram Lagan Sah, hence the accusation has been made against him.

Learned APP submits that the petitioner's name sprang up in the confession of co-accused, though he admits that the recovery has not been made from the petitioner.

Considering the fact that recovery has not been made from the petitioner, coupled with the statement made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent, 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
ADJ I, Sitamarhi in connection with Runni Saidpur P.S.
Case No.370 of 2018 subject to the conditions laid down
in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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