

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53042 of 2018

Arising Out of PS. Case No.-839 Year-2017 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Sunil Yadav S/o Indradeo Yadav, Resident of F/P-9, Dunlop Old Family, P.S.-
Sahebganj, District- Hooghly (West Bengal.)

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Indeshwari Prasad Mandal, Advocate
For the Opposite Party : Mr. J.K. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 23-01-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 8/20(b) (ii)(c) 25 and 29 of the Narcotic
Drugs & Psychotropic Substances Act registered in connection with
Kotwali (Tilkamanjhi) P.S. Case No. 839 of 2017.

3. It is submitted that the petitioner has been falsely
implicated in connection with the alleged recovery of 809 Kg of
Ganja containing in 73 packets from the driver of the truck belonging
to the petitioner. It is submitted that the petitioner had already
executed a general power of attorney in favour of Santosh Yadav on
21.01.2017 prior to the alleged occurrence by which the truck in
question had been handed over to the said Santosh Yadav in order to
maintain, supervise, manage, run and sell the vehicle.

4. Learned APP submits that the aforesaid Santosh Yadav
remains an agent of the petitioner under general power of attorney
and the petitioner cannot be distanced from recovery. It is further
submitted that huge quantity of 809 Kg of ganja has been recovered
from the truck of which the petitioner is admittedly the owner.



Moreover, there is a bar to grant anticipatory bail to an accused in terms of the provisions of Section 37 of the NDPS Act.

5. Having regard to the nature of accusations and gravity of offence alleged, this Court is not inclined to grant anticipatory bail to the petitioner. The anticipatory bail petition stands dismissed.

BT/Chandran

(Vikash Jain, J)

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