

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47981 of 2019

Arising Out of PS. Case No.-54 Year-2019 Thana- RAXAUL District- East Champaran

SANJAY SAH @ SANJAY KUMAR GUPTA, Son of Baliram Prasad,
Resident of Village - Muhalla Kali Mandir Road Ward No. 11, Raxaul, P.S.-
Raxaul, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anshu Dhar Sharma, Adv.

For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-08-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 21(c) and 27(b) of
the NDPS Act.

The prosecution case got initiated on the basis of written
report of A.S.I. Dinesh Singh submitted before the Station
House Officer, Haraiya O.P is to the effect that during patrolling
the informant after having received a secret information to the
effect that a person is coming from Raxaul with sedative
injections, reached at the spot and saw as person having a bag
fleeing away from the scene on seeing the police, but on chase
he was apprehended and disclosed his name as Pramod Sah.



During frisking from bag sedative injections were recovered in huge quantity. The apprehended accused disclosed the name of the petitioner as a person who entrusted the said sedative injections to carry to Nepal.

It is submitted by learned counsel for the petitioner that neither the petitioner was apprehended on the spot nor the alleged recovery has been made from his conscious possession. The petitioner has been roped in the present case on the basis of confessional statement of co-accused Pramod Sah.

It is submitted by learned APP for the State that the name of the petitioner surfaced on the basis of confessional statement of co-accused Pramodh Sah as a person who indulged in the business of transporting sedative injections.

Considering the fact that the recovery has not been made from the conscious physical possession of the petitioner coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge,



East Champaran, Motihari, in connection with NDPS Case No.
21 of 2019 arising out of Raxaul P.S. Case No.54 of 2019,
subject to the conditions as laid down under Section 438(2) of
the Cr.P.C.

(Dinesh Kumar Singh, J)

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