

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28653 of 2020

Arising Out of PS. Case No.-1 Year-2020 Thana- MAJHAULIA District- West Champaran

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Anish Kumar Sharma @ Anish Kumar, aged about 22 years, Male, S/o Vijay Kumar Sarma @ Vijay Kumar Sharma, R/o Village- Tehra, P.S.- Satgava, District- Koderma (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate
For the State : Mr.Dilip Kumar No.1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 15-12-2020 Heard the parties through the virtual court proceeding.

The petitioner seeks bail in connection with N.D.P.S.

Case No.03 of 2020 arising out of Majhauiliya P.S. Case No. 01 of 2020 registered for the offences punishable under Sections 22, 23, 20, 27A of N.D.P.S. Act.

As per the F.I.R., on 01.01.2020 at about 4:00 A.M., the informant received secret information that one miscreant came at Sariswa village with Charas for delivery in Bettiah. On information, the informant along with raiding party reached at Ratanmala village near State Bank of India under Majghaulia P.S. and saw one young person standing in front of SBI with black colour bag and was waiting for other person. After seeing the police party, the miscreant tried to flee away. But with the help



of police party caught hold to him. On interrogation, he disclosed his name as Tinku Kumar and after search 10 Kg. Charas in 20 packets was recovered from black colour bag of miscreant and he said that the said Charas was given by Pappu Sah and Anish Kumar Sharma, who is smuggler of Charas. After that the informant prepared a seizure list in presence of independent witnesses.

Learned counsel for the petitioner submits that the petitioner is quite innocent and has committed no any offence and has falsely been implicated in the present case. He further submits that as a matter of fact, there was some earlier dispute between the arrested person and the petitioner regarding money, which the co-accused had to pay to the informant, but when informant pressurized him to return his money, the co-accused Tinku Kumar became annoyed and it is for this reason, he implicated the petitioner in this case. He further submits that on the basis of confessional statement of co-accused, Tinku Kumar, the petitioner has been made accused in the present case. 10 Kg. of Charas has been recovered from the co-accused Tinku Kumar. No contraband article has been recovered from the possession of the petitioner. He further submits that the petitioner is in jail custody since 02.01.2020 and petitioner has



got no any criminal antecedent mentioned in paragraph-3 of the bail petition.

Learned A.P.P. for the State opposed the bail petition.

In the facts and circumstances of the case, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) only with two sureties of the like amount each to the satisfaction of learned Sessions Judge, West Champaran in connection with N.D.P.S. Case No.03 of 2020 arising out Majhauriya P.S. Case No. 01 of 2020.

(Anjani Kumar Sharan, J)

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