

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71115 of 2019**

Arising Out of PS. Case No.-189 Year-2019 Thana- RAMGARH District- Kaimur (Bhabua)

Bhairo Singh @ Dhananjay Singh @ Dhananjay Kumar Singh, Son of Bhola Singh, resident of Village - Baraura, P.S.- Ramgarh, Distt - Kaimur (Bhabua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikram Deo Singh- Advocate

Mr. Sada Nand Roy- Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh- A.P.P.

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

6 17-09-2020 Heard learned counsel appearing for the petitioner as well as learned Public Prosecutor Incharge appearing for the State through video conferencing.

Petitioner apprehends his arrest in connection with Ramgarh P. S. Case No.189 of 2019 registered for the offences punishable under Section 20(b)(ii)(A)/ 22 of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985.

Allegedly, two kilograms *Ganja* and some cash were recovered from the house of the petitioner.

Submission on behalf of the petitioner is that petitioner is posted as EDMC at Keowdi (Khurda), Post Office, he along with his family members reside at his place of posting and, as a matter of fact, his house situated at native village in an



abandon condition. Furthermore, contention of learned counsel for the petitioner is that Para-8 of the case diary goes to show that when Investigating Officer reached at the house of the petitioner, he found that the main-door of the house was locked from outside, but in the written report of the informant, there is nothing to show that informant entered into the village house of the petitioner after breaking the lock rather informant averred in his written report that when he reached at village house of the petitioner, he did not find any family members of the petitioner in the aforesaid house. Learned counsel for the petitioner further submits that, as a matter of fact, petitioner has been implicated in this false case at the instance of his enemies.

On the other hand, learned Additional Public Prosecutor opposed the prayer of anticipatory bail on the ground of recovery of *Ganja* from the house of the petitioner.

The record goes to show that this Court sought a report from concerned Court to this effect as to whether petitioner along with family members is residing at his place of posting or not. The learned Sessions Judge, vide letter No.07/2020 dated 20.02.2020, sent his report in response to the above stated query of this Court and the report of the learned Sessions Judge based upon the report of A.S.I. of Ramgarh Police



Station, District- Kaimur. The above stated A.S.I. in his report stated that the family of petitioner resides at village house of the petitioner whereas petitioner is working as Postman and his office is at the distance of 33 kilometers from his village home.

Although, in course of investigation, the members of raiding party as well as some co-villagers of the petitioner claimed that recovery was made from the house of the petitioner, but written report of the informant itself speaks that when raid was made, no person was found in the house of the petitioner. Therefore, it is obvious that at the time of raiding the house, the petitioner was not present at the village home. Para-3 of the petition goes to show that petitioner does not have any criminal antecedent which reflects that the petitioner was not indulged in the offence of N.D.P.S. Act prior to institution of the present case.

Considering the aforesaid facts and circumstances of the case as well as submissions of the parties, in my view, it is a fit case for grant of anticipatory bail and, accordingly, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of his arrest/ surrender within six weeks from the date of receipt of this order to the Court concerned, shall be released on bail on furnishing bail bonds of Rs.10,000/-



(ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge-cum-Sessions Judge, Kaimur at Bhabua in connection with Ramgarh P. S. Case No.189 of 2019, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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