

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20496 of 2020

Arising Out of PS. Case No.-158 Year-2016 Thana- MALSALAMI District- Patna

Dinesh Ray S/o Late Mahtab Ray Resident of Village- Jethuli, P.S.- Fatuha,
District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Dhirendra Kumar Sinha
For the Opposite Party/s :	Mr.Ashok Kumar
For the State	Mr. Ram Priya Sharan Singh

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

ORAL ORDER

3 15-01-2021 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Mal Salami P.S No. 158 of 2016 registered for the offences
punishable under Sections 20,22,25(A) of N.D.P.S Act.

In huge quantity Ganja was recovered from a truck as
well as one Bolero. The occupants of the said truck and Bulero
were caught on the spot. The apprehended co-accused disclosed
that petitioner along with one Pappu Kumar and one Tribhuvan
Ray managed to escaped from there.

Learned counsel appearing for the petitioner submits
that Pappu Kumar has already been granted privilege of
anticipatory bail by a co-ordinate Bench of this Court vide order



dated 11.5.2018 and so far as petitioner is concerned, the case of petitioner stands on similar footing to that of co-accused Pappu Kumar. It is further submitted on behalf of the petitioner that petitioner does not have any criminal antecedent and except the so-called confessional statement of co-accused, there is nothing against the petitioner.

On the other hand, learned Additional Public Prosecutor opposes the bail prayer submitting that the co-accused persons, who were apprehended at the spot disclosed the name of petitioner and subsequently, in confessional statement of co-accused Sumesh Kuamr, it came that petitioner was in consistent touch with the aforesaid co-accused while the seized Ganja was being carried and furthermore, the I.O sent the mobile number of petitioner as well as other accused to the concern company for obtaining call detail report and, therefore, the aforesaid fact prima facie reflects the involvement of the petitioner in the alleged crime.

Having heard the contentions of both the parties, I went through the photo stat copy of the case diary. I find that on 12.06.2016 the investigating officer sent the mobile number to the concerned company for obtaining call details but even today, the aforesaid call details have not been produced before this



Court. Furthermore, I find that the investigation of the case is still pending against the petitioner but except the so-called confessional statement of co-accused there is nothing against the petitioner.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also with a view to maintain parity of justice, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of his arrest/ surrender within four 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) each with two sureties of the like amount each to the satisfaction of the Additional Session Judge-III, Patna in Mal Salami P.S. Case No. 158 of 2016 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

N.K/-

U		T	
---	--	---	--

