

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35315 of 2020**

Arising Out of PS. Case No.-335 Year-2019 Thana- CHHAURADANO District- East
Champaran

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RAJAN @ RAJAN KUMAR Son of Ramesh Prasad, R/O Village - Adapur,
P.S. - Adapur, District - East Champaran.

... .. Petitioner/s

Versus

1. THE UNION OF INDIA
2. The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Karandeep Kumar, Adv.
For the Opposite Party/s : Mr. B.N. Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 19-03-2021 Heard both sides.

The petitioner apprehends his arrest in Chhauradano P.S.
Case No.335 of 2019 registered under Sections 8 and 20 (b)(ii)
(c) of the N.D.P.S. Act.

The informant (Assistant Commandant, 71 Battalion of
S.S.B.) alleged that on 01.10.2019 he got secret information
about transportation of NDPS substance and on such he started
checking the vehicle. The informant intercepted a motorcycle
coming from Nepal. The constable of S.S.B. signalled to stop
them. One person got down from the vehicle. Two persons fled
away leaving the motorcycle on the spot. The apprehended
accused, namely, Ajay Kumar Singh disclosed the name of the
petitioner and Taajodin. On search, 8.400 kg charas was
recovered from possession of Ajay Kumar Singh.



Learned counsel for the petitioner submits that the petitioner was not arrested on the spot and nothing has been recovered from possession of the petitioner. Even if it is presumed that the petitioner was accompanying Ajay Kumar Singh from whose possession 8.400 kg charas was recovered, it cannot be presumed that the petitioner had knowledge that Ajay Kumar Singh was carrying charas. There is no material to show that the petitioner was having any knowledge with regard to carrying of charas by Ajay Kumar Singh, but it appears from the order of learned Additional Sessions Judge that the witnesses disclosed that the petitioner was also an associate of Ajay Kumar Singh and three persons were coming on a motorcycle. When they were signalled to stop, two persons including the petitioner managed to flee away and Ajay Kumar was apprehended and from his possession, a huge quantity of charas was recovered.

Having considered the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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