

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10972 of 2022

Arising Out of PS. Case No.-234 Year-2021 Thana- DURGAWATI District- Kaimur (Bhabua)

BABLU MALLAH Son of Vikarma Mallah Resident of Village- Saraiyan,
P.S.- Durgawati, District- Kaimur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 20-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 25(1-b)A, 26 and 35 of the Arms Act read with Sections 8(c)/20(b)(ii) (B)/29 of the N.D.P.S. Act.

The informant alleges that one country-made pistol was recovered from Nandlal Yadav along with five cartridges, further one country-made pistol was recovered from Gunjan Yadav along with three live cartridges and one mobile was recovered from Ranjan Yadav, it is further alleged that 3.330 kg of *ganja* was also recovered from the Mahindra XUV vehicle.

Learned counsel for the petitioner submits that the petitioner has antecedent of one case under the N.D.P.S. Act and



the Arms Act in which he is on bail, it is next submitted that petitioner was not arrested from the spot as such nothing was recovered from his conscious possession. Learned counsel further submits that the name of the petitioner transpired in the confessional statement of apprehended accused Nandalal Yadav, Gunjan Yadav and Ranjan Yadav which has no evidentiary value, further the vehicle from which the alleged narcotic was recovered also does not belong to the petitioner and the police falsely implicated the petitioner because of his antecedents.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that investigation is going on and it may be a possibility that apart from confession, certain other materials may transpire which will connect the petitioner with the offence.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with



Durgawati P.S. Case No. 234 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. with a further condition that one of the bailors of the petitioner shall be his father, Vikarma Mallah.

Further, in the event, if charge-sheet is submitted against the petitioner after investigation, then the present order granting anticipatory bail shall lose its effect.

(Satyavrat Verma, J)

Rishi/-

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

