

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29277 of 2021

Arising Out of PS. Case No.-125 Year-2020 Thana- RAGHOPUR District- Vaishali

Ramesh Rai (Male), aged about 43 years, S/o Shri Ram Barai Rai, R/o village- Pakari (Naya Tola), P.S.- Bidupur, District- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Gajendra Kumar Singh, Advocate
For the Opposite Party : Mrs. Asha Devi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 27-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks.

The petitioner is apprehending his arrest in connection with Raghapur (Rustampur O.P.) P.S. Case No. 125 of 2020 for the offence registered under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018 and Section 08, 20 and 22 of the Narcotic Drugs and Psychotropic Substance Act.

The prosecution story, in brief, is that total 3333.700 liters wine alongwith 24.868 kgs., *Ganja* is recovered from the *Diyara* in abandoned state.



It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. It is alleged that total 3333.700 liters wine alongwith 24.868 kgs. *Ganja* is recovered from the *Diyara* in abandoned state. The name of the petitioner has transpired in the present case on the basis of secret information. The source and genuineness of secret information has not been disclosed by the prosecution. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. The petitioner had no knowledge regarding the alleged occurrence. Nothing incriminating has been recovered from the conscious possession of the petitioner. There is no compliance of Section 100 Cr. P.C. and Sections 42 and 50 of the N.D.P.S. Act. Learned counsel for the petitioner has placed reliance upon the order dated 13.04.2022 passed by the Hon'ble Supreme Court in Criminal Appeal No. 626 of 2022 (Sweta Kumari-Versus-State of Bihar).

On behalf of the State, it is submitted that the petitioner is named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest or



surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District and Sessions Judge, Vaishali at Hajipur, in connection with Raghopur (Rustampur O.P.) P.S. Case No. 125 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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