

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28765 of 2021**

Arising Out of PS. Case No.-36 Year-2021 Thana- MADHEPURA District- Madhepura

CHANDAN SAH Son of Late Vilash Sah Resident of Village - Janki Tola
Bhagwanpur, Ward no. 4, Shahugarh, P.S. - Madhepura, District - Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh
For the Opposite Party/s : Mr.APP

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 07-02-2022 This matter has been taken up for hearing online
because of COVID-19 pandemic restrictions.

Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner is expected to
honour his undertaking to remove the defects as pointed out by
the office when called upon to do so by the office.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Madhepura P.S. Case no. 36 of 2021 instituted for the
offence under Sections 8(c)/21(c)/22(c)/23/24/25/27(a)/29 of the
NDPS Act and Section 30(a) of Bihar Prohibition and Excise
(Amendment Act).

Prosecution case relates to recovery of huge quantity



of Codeine Phosphate & Tripoleding hydro-chloride syrup from a tempo bearing Registration No. BR43GA-1957 when the same was unloading by co-accused Md. Jasim. On query, it came to light that co-accused, namely, Kumar Abhishek was the driver of the alleged tempo and had supplied the alleged contraband article with the help of the petitioner Chandan Sah.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has been falsely implicated in this case. He has got no criminal antecedent. He has no concern with the alleged recovery. The name of the petitioner has been disclosed in this case by the apprehended co-accused, namely, Kumar Abhishek, which has no evidentiary value in the eye of law. Neither the petitioner was arrested on spot nor any contraband article has been recovered from his conscious possession. Similarly situated co-accused person has already been granted bail by a co-ordinate Bench of this Court vide order dated 13.7.2021 passed in Cr. Misc. No. 27164 of 2021.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this



Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Madhepura P.S. Case no. 36 of 2021, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Madhepura subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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