

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66335 of 2021**

Arising Out of PS. Case No.-155 Year-2020 Thana- NAUHATTA District- Saharsa

ANIL KUMAR RAY @ ANIL RAY Son of Rajendra Ray Resident of Village
- Amahi Mohanpur Ward no.4, P.S.- Mahisi, Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saroj Kumar Sharma, Adv

For the Opposite Party/s : Mr.Harendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

4 30-06-2022 The present matter has been listed under the heading “To Be Mentioned” on the basis of motion slip filed on behalf of the petitioner.

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Nauhatta P.S. Case No. 155 of 2020 registered for the offences punishable under Sections 20, 22, 24 of NDPS Act.

As per prosecution case, on 26.09.2020 while the informant Mumtaz Ansari S.I. along with other police personnel was on patrolling duty, he received information from his Superior that



tractor in question was going towards Ramnagar Bharna containing Ganja under maize packets. Thereafter he proceeded towards Ramnagar and found that tractor in question was standing and the driver of the said tractor had fled away. It is alleged that 113.30 Kg. Ganja was recovered from the said tractor in question besides other materials.

Learned counsel for the petitioner submits that the petitioner bears clean antecedent and he suo motu surrendered before the court below on 27.01.2021 and since then he is in custody. Charge sheet has already been submitted in the case and there is no likelihood of tampering the evidence. The counsel of the petitioner has also submitted that according to Annexure-2, petitioner is the driver of tractor bearing Registration No. BR43G 8538 and he is not driver of the said tractor in question. It has been submitted that from the perusal of the F.I.R. itself it is clear that the tractor in question is an abandoned tractor and the petitioner is not apprehended on the spot. No incriminating material has been recovered so far from the possession of the present petitioner. The F.I.R. has been lodged against unknown. The name of the present petitioner has been dragged in this case on the basis of petition filed before the police by Asmita Devi.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner. It has been submitted that name of the present petitioner with regard to the alleged occurrence has



been taken by the witness in paragraph 30 of the case diary.

In pursuant to order dated 12.05.2022 of this court, a report regarding ownership of tractor in question has been sent and the said report reveals that owner of tractor in question is Dinesh Yadav.

Considering the facts and circumstances of the case, period of custody, charge-sheet has already been submitted, FIR has been lodged against unknown and petitioner was not apprehended on the spot nor any incriminating material has been recovered from his conscious possession and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, Saharsa in connection with Nauhatta P.S. Case No. 155 of 2020, Special Case No. 09/2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move for
cancellation of bail.

(Alok Kumar Pandey, J)

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