

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.450 of 2022

Arising Out of PS. Case No.-29 Year-2019 Thana- RANIGANJ District- Araria

=====

BIRENDRA YADAV, (Male), aged about 46 years, Son of Late Baldev Yadav,
Resident of Village - Bishanpur (Kushmaha), P.S. - Jogbani, District - Araria.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

=====

Appearance :

For the Petitioner : Mr. Ashok Kumar Singh, Advocate
For the Opposite Party : Mr. Binod Kumar, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 30-03-2022 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 Raniganj P.S. Case No. 29 of 2019, corresponding to Spl.
Case No. 02/2019 for the offence registered under Sections 20,
22 and 24 of the N.D.P.S. Act.

The prosecution story, in brief, is that on 18.01.2019
at 6.50 P.M., the informant having got secret input about
transportation of contraband Ganja in Honda City Car bearing
Registration No. W.B.06F/7654, he alongwith other police
personnel started checking of vehicle and caught the alleged car



and in presence of independent witnesses searched the said car and recovered 60 kg. Ganja from the said car and the driver alongwith one person was caught who disclosed their names Rajesh Kumar Sharma and Rajesh Kumar Mandal while two persons boarding in car, namely, Raju Kumar Mandal and Bijay Kumar managed their escape from there. The contraband Ganja and the said car was seized vide seizure list dated 18.01.2019 and on interrogation of co-accused Rajesh Kumar Sharma, he has revealed his indulgence alongwith his associates, including the petitioner, who are alleged to have been loaded Ganja in car and managed to cross the boarder with the assistance of co-accused Arvind Kumar Yadav, Raju Kumar Mandal, Vijay Kumar. Hence, lodged this case against the petitioner and others.

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. 60 kg., of Ganja is said to have been recovered from the car in question. The car in question does not belong to the petitioner. The name of the petitioner has transpired in the present case on the basis of disclosure made by co-accused. Except for this, there is no other



substantive evidence to suggest the implication of the petitioner in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

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

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, Araria, in connection with Raniganj P.S. Case No. 29/2019, corresponding to Spl. Case No. 02/2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

U.K./-

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

