

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23389 of 2023

Arising Out of PS. Case No.-109 Year-2022 Thana- DAWATH District- Rohtas

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RAMA SHANKER CHOUDHARY @ RAMASHANKAR CHAUDHARY
SON OF LATE POTAN CHOUDHARY RESIDENT OF VILLAGE-
CHORATI, PS- DAWATH, DISTRICT- ROHTAS

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rohit Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 14-07-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 20 and
22 of the N.D.P.S. Act.
3. Learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and the
informant alleges that he received a secret information that
the accused persons including the petitioner are selling
Ganja in their shop, accordingly, the shop was raided and
4.150 kg of *Ganja* was recovered from the shop of the
petitioner.



4. Learned counsel for the petitioner next submits that the petitioner came to be implicated for the reason that it is alleged that *Ganja* was recovered from his shop and it is next submitted that the petitioner is running the shop for nearly more than 20 years, but he never came to be implicated in any such case. It is further submitted that for few years, the shop is being run by his son Omprakash and the petitioner is staying in the village, it is further submitted that it may be a possibility that Omprakash on account of greed was indulging in such an occurrence. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that Omprakash was arrested from the shop and petitioner was not present, this amply demonstrates that petitioner was not involved in the occurrence, but being father of Omprakash, he came to be implicated. It is next submitted that petitioner will not abscond rather will co-operate in the investigation and will present himself as and when required by the Investigating Officer of the case for eliciting the truth so that he may be able to prove his innocence.

5. Learned A.P.P. for the State opposes the prayer



for anticipatory bail of the petitioner.

6. 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 trial court within a period of six 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 trial court where the case is pending/successor court in connection with Dawath P.S. Case No. 109 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that the petitioner despite giving assurance to this Court is not co-operating in the investigation or is not presenting himself as and when called, the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

8. It is further made clear that in the event if the



charge-sheet is submitted connecting the petitioner with the offence, then the present anticipatory bail order shall lose its effect.

9. Let a copy of this order be also sent to the concerned Police Station through the learned Trial Court.

(Satyavrat Verma, J)

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