

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20893 of 2023

Arising Out of PS. Case No.-558 Year-2022 Thana- BIDUPUR District- Vaishali

VIKASH SAH @ BIKASH SAH SON OF LAL BABU SAH RESIDENT OF
VILLAGE - MADHURAPUR, P.S. - BIDUPUR, DISTT. - VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 8, 20(b), (ii)(c) of the N.D.P.S. Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that an Auto was apprehended from which one woman was arrested who disclosed her name as Meena Devi and on search of the bag of Meena Devi 251 kg of *Ganja* along with a mobile was recovered. It is next alleged that Meena Devi disclosed the name of Reeta Devi and driver of the Auto.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is



next submitted that petitioner, being owner of the auto, has been made an accused, it is next submitted that no prudent person would use his own vehicle for committing an occurrence and thus would create evidence against himself and hence would get implicated. It is further submitted that petitioner was not present at the place of occurrence and was completely unaware that the driver of the Auto would misuse the vehicle in the manner as alleged.

The learned counsel for the petitioner asserts and submits that except for confession, no material has come during the course of investigation to connect the petitioner with the offence when in the case of *Tofan Singh Vs. State of Tamil Nadu, (2021), 4 SCC 1*, the Hon'ble Supreme Court has clearly held that confessional statement recorded under Section 67 of the N.D.P.S. Act remains inadmissible in the trial for an offence under the N.D.P.S. Act.

The learned counsel for the petitioner next submits 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.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.



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 Bidupur P.S. Case No. 558 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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 petitioner despite giving assurance to this Court is not appearing before him or is not co-operating in the investigation, the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

Let a copy of this order be sent to the concerned P.S.

(Satyavrat Verma, J)

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