

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26485 of 2023

Arising Out of PS. Case No.-493 Year-2022 Thana- BUXAR MUFFSIL District- Buxar

Priyaranjan Upadhyay @ Buntty Upadhyay @ Priyaranjan Upadhyay @ Bittu Upadhyay @ Banti Upadhyay, aged about 24 years, Male, Son of Nityanand Upadhyay, R/O Village- Vishrupuri Golambar Buxar, P.S.- Muffasil, District- Buxar.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Dr. Kumar Amitesh Chandra and Mr. Harish Kumar, Advocates
For the Opposite Party : Mr. Amitesh Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

6 10-11-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in connection with (Buxar) Muffasil P.S. Case No. 493 of 2022 dated 09.11.2022 registered for the offences punishable under Sections 414 of the I.P.C. and Sections 8, 8(c), 20(b), 22(e) and 29 of the N.D.P.S. Act.

4. As per the prosecution case, during the course of checking of vehicle, one co-accused Sunil Kumar was



apprehended on a Motorcycle and who disclosed the name of the petitioner and Aman Singh who fled away from the place of occurrence. It is further alleged that one Scorpio vehicle was also seized but the persons boarded on the said Scorpio vehicle also fled away. The apprehended person Sunil Singh also disclosed that the persons who fled away from Scorpio vehicle were associates of the petitioner. On search, from possession of Sunil Kumar, 750 Gram Heroine like intoxicating substance kept in black coloured Panni/Polythene placed in Yellow coloured bag, one small Calculator like Electronics Weighing Machine and one Screen Touch Mobile were recovered.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. There is no recovery of contraband from the possession of the petitioner. The alleged recovery of contraband was made from the possession of the co-accused Sunil Kumar. The Motorcycle and Scorpio vehicle in question do not belong to the petitioner as mentioned in paragraph nos. 63 and 64 of the case diary. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.



7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Buxar in connection with Buxar (Muffasil) P.S. Case No. 493 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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