

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23621 of 2023

Arising Out of PS. Case No.-428 Year-2022 Thana- HARLAKHI District- Madhubani

LAL BIHARI YADAV S/O LATE BISHESHWAR YADAV R/O Village-
Kesuli, P.S- Benipatti, Distt.- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India, N.D.P.S Act, Patna. Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-07-2023 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 20 and 22 of the NDPS Act.

The informant alleges that Ram Dev and Rajendra who were coming from Nepal to India on a motorcycle were intercepted and from their possession, 6.600 kg of Ganja was recovered along with mobile and they disclosed that the Ganja was given to them by Vicky and Arun and they were going to Kausuli village for concealing the Ganja near a canal, accordingly, the Ganja along with the mobile and motorcycle were seized.



Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that from bare perusal of the allegations as alleged in the FIR, it would manifest that Ganja was recovered from Ram Dev and Rajendra and they disclosed that the Ganja was given by Viki and Arun. It is next submitted that the petitioner came to be implicated on the ground that the motorcycle which was seized belongs to him, it is further submitted that even the accused from whose possession Ganja was recovered have not named this petitioner, it is next submitted that the petitioner is own maternal uncle of Arun and Arun had taken his motorcycle and had given it to the accused persons and the petitioner was completely unaware that his own maternal nephew would misuse the vehicle in the manner as alleged, it is further submitted that no prudent person would use his own vehicle for committing a crime and thus would create an evidence against himself and hence would get implicated.

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. 20,000/- (Rupees Twenty 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 Harlakhi P.S. Case No. 428 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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