

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26074 of 2023

Arising Out of PS. Case No.-569 Year-2022 Thana- SABAUR District- Bhagalpur

SAURAV KUMAR S/o Dinesh Prasad Singh @ Dinesh Pd. Singh Resident of
village-Goshain Tola, P.S.-Gopalpur, District-Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

.. ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh, Advocate

For the Opposite Party/s : Mr.Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-07-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with N.D.P.S. Case No. 153 of 2022 arising out of Sabour P.S. Case No. 559 of 2022, registered for the offences punishable under Sections 20 and 22 of the N.D.P.S. Act.

The allegation is regarding the police having apprehended a motorcycle on which the co-accused person, namely, Lalita Devi was travelling and upon search, 750 gram of Ganja was seized from the bag being carried by the said Lalita Devi, however, the petitioner, who is alleged to be driving the motorcycle, had managed to flee away.

The learned counsel for the petitioner has



submitted that the petitioner is innocent and he has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that the petitioner is having no complicity in the matter inasmuch as the Ganja has been seized from the co-accused person, namely, Lalita Devi. It is further submitted that even otherwise the quantity of Ganja seized from the co-accused person, namely, Lalita Devi is much less than the commercial quantity of Ganja i.e. 20 kgs. defined in the Schedule notified under the provisions of the N.D.P.S. Act, 1985, hence the petitioner be admitted to the privilege of anticipatory bail.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact



that the Ganja has not been recovered from the petitioner but from the co-accused person, namely, Lalita Devi and the Ganja recovered from the said Lalita Devi is much less than the commercial quantity defined in the Schedule notified under the provisions of the N.D.P.S. Act, 1985, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Session Judge, Bhagalpur in connection with N.D.P.S. Case No. 153 of 2022 arising out of Sabuor P.S. Case No. 569 of 2022, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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