

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28537 of 2023

Arising Out of PS. Case No.-298 Year-2022 Thana- DAUDNAGAR District- Aurangabad

Chandra Bhushan Prasad (Male aged about 46 years) S/O Sri Saryu Prasad @
Sarayu Prasad R/O Village- Dihra, P.S- Obra and District- Aurangabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Parmanand Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 14-07-2023 Heard Mr. Diwakar Prasad Singh, learned counsel
appearing on behalf of the petitioner and Mr. Parmanand
Kumar, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Daudnagar P.S. Case No. 298 of 2022 registered for the
offence punishable under Sections 8, 20(B) (II) (C) 25, 29 of the
N.D.P.S. Act.

3. The allegation is of recovery of 10 Kg marijuana
(*Ganja*) from Pick-up van of the petitioner bearing Registration
No. BR-26K-3127.

4. Learned counsel appearing on behalf of the
petitioner submitted that the petitioner is innocent. He has been
roped in a false case for alleged recovery of marijuana from his
Mahindra Pick-up van bearing registration no. BR-26K-3127. In



course of investigation, the police have found false case to be against the petitioner and charge-sheet has been submitted. In spite of the said fact petitioner apprehends his arrest as the concerned magistrate has issued non-bailable warrant against him. He further submitted that if any allegation stalls sustainable, it is the driver of the petitioner who was found possessed with the marijuana which was being carried by him in a clandestine manner. He further submitted that 10 Kgs. of marijuana is less than commercial quantity. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the fact that in course of investigation petitioner has been found to be innocent. Specific allegation of recovery is from his vehicle which was being driven by his driver, who was found carrying marijuana in a clandestine manner. Recovery is less than commercial quantity. Petitioner has clean antecedent. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender



before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional District & Sessions Judge Cum Special Judge (NDPS) at Aurangabad, in connection with Daudnagar P.S. Case No. 298 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will loose its force automatically.

(Purnendu Singh, J)

Niraj/Nilmani

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