

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43415 of 2023

Arising Out of PS. Case No.-12 Year-2023 Thana- KATIHAR GRP CASE District- Katihar

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Vinod Kr. Chaudhary @ Vinod Kumar Chaudhary, Son of Jagnath Chaudhary,
Resident of Village - Mushahri, Distt- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mirtyunjay Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-08-2023 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Katihar Rail P.S. Case No. 12 of 2023 dated 18.01.2023 registered for the offences punishable under Sections 8(c), 21(c) and 29 of the N.D.P.S. Act pending in the learned Court below.

3. As per the prosecution story, on the basis of secret information, the informant (RPF, CPDS Team) Katihar raided inside the compartment B-2 of train no. 15909 Awadh Assam Express and apprehended co-accused Kazal Kumari and recovered 423 gm of heroine from her possession.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. He submits that the said contraband was recovered from the conscious possession of co-accused Kazal Kumari. He submits that nothing has been recovered from the conscious possession of this petitioner. He submits that the petitioner was not apprehended at the spot. He further submits that on the basis of confessional statement of Kazal Kumari, this petitioner has been made accused in the present case. He submits that petitioner has no criminal antecedent as stated in para-3 of the bail application.

5. Per contra, learned APP for the State vehemently opposed the bail application and submitted that petitioner is also involved in the present case and he is an accomplice of co-accused Kazal Kumari. Hence, he does not deserve anticipatory bail.

6. Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail in connection with Katihar Rail P.S. Case No. 12 of 2023. Accordingly, his prayer for anticipatory bail is hereby rejected.

7. However, if the petitioner surrenders before the learned court below within a period of six weeks from today and prays for regular bail, the same shall be considered by the learned court below on the same day without being prejudiced



by this order, considering the fact that no contraband has been recovered from his conscious possession.

(Anjani Kumar Sharan, J)

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