

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46983 of 2023

Arising Out of PS. Case No.-284 Year-2022 Thana- BATHNAHA District- Sitamarhi

SUSHIL KUMAR @ SUSHIL SAH Son of Late Kailash Sah Resident of -
Sonbarsa Maharani Sthan, P.s. - Sonbarsa, Distt. - Sitamarhi

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar, Adv.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-08-2023 Heard Mr. Sangeet Deokuliar, learned counsel
appearing on behalf of the petitioner and Mr. Satyendra Narayan
Singh, learned A.P.P. for the State.

2. The petitioner apprehend his arrest in connection
with Bathnaha P.S. Case No. 284 of 2022, dated 27.09.2022,
registered under Sections 414 of the Indian Penal Code and
Sections 8/20 (b) (ii) (C), 22 (b), 23 of the Narcotic Drugs and
Psychotropic Substance Act.

3. As per allegation made in the F.I.R. altogether 45
Kg. of ganja in 09 packets were recovered from the dickey of
Car bearing Registration No. BR-06X-7058. The driver of the
Car disclosed the name of petitioner.

4. Learned counsel appearing on behalf of the
petitioner submits that petitioner has clean antecedent and he is



not involved in smuggling or trade of marijuana. Petitioner has been made accused only on the basis of statement given by one co-accused namely Annay Paswan in Police custody and the said statement do not have evidentiary value. The petitioner is innocent and the vehicle from which the marijuana was recovered also do not belongs to the petitioner. The allegation that petitioner was on the Motorcycle of one co-accused Niraj Kumar Yadav is also not sustainable.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Having considered the rival submissions made on behalf of the parties, the total recovery of 45 Kg. Nepali ganja from a Car bearing Registration No. BR-06X-7058, petitioner has been named in the present F.I.R. on the basis of disclosure made by one co-accused namely Annary Paswan, the petitioner has clean antecedent, I am of the opinion that petitioner has prima facie made out a case to be released on pre-arrest bail subject to condition that learned Court Below is directed to obtain report from the District Transport Officer, Sitamarhi in connection of his Car bearing Registration No. BR-06X-7058 and if the report reveals that the said Car do not belongs to any of the family members of the petitioner or registered in the



name of the petitioner, then the above named petitioner is directed to be released on bail, in the event of his arrest or surrender before the learned 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 Special Judge, Sitamarhi in connection with Bathnaha P.S. Case No. 284 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The Court below is further directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph no. 3 of the bail application, this order will automatically loose its force.

(Purnendu Singh, J)

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