

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49836 of 2022

Arising Out of PS. Case No.-190 Year-2015 Thana- NOKHA District- Rohtas

HAIDAR ALI S/o Ahmad Hussain Resident of Village- Dudhkatora, P.S.-
Arrah Town, District- Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. S.D. Sanjay, Sr. Adv. Mr. Fawed Jaffar Khan, Adv. Mr. Anuj Kumar Prasad, Adv.
For the Opposite Party/s :		Mr.H.A. Khan, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 20-02-2023 Heard learned senior counsel for the petitioner and
learned A.P.P. for the State.

Learned counsel for the petitioner undertakes to remove
the defect (s), as pointed out by the office, within a period of
four weeks.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Section 8(C)/22/27(A),
N.D.P.S. Act.

Altogether, 125 kg Ganja, which was kept in seven
separate packets, has been recovered from a vehicle.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. No
such occurrence as alleged ever took place. He has been falsely



implicated in this case on suspicion. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. It is further submitted that the vehicle was theft in the night of 14/15-09-2015 and the petitioner had tried to inform the local police Ara but unfortunately the local police could not respond to investigate the case properly. Then, the petitioner filed a protest petition against the police enquiry. He further submits that learned Court A.C.J.M. Ara has inquired the matter and prima facie found the case made out against Alok Kumar Singh @ Pankaj Kumar Singh. He further submits that police has submitted a report against the petitioner and suggest for proceeding u/s 182 and 211 of IPC and the case of the petitioner bearing Ara Mofassil Thana Case No. 337 of 2015 u/s. 379 of IPC dated 23.09.2015 has been fabricated by the police and he has been made accused in this case. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail by submitting that during investigation it is found that the said seized vehicle belonged to the petitioner and recovery of huge amount of ganja was made from the seized vehicle. He further submits that process u/s. 82 & 83 of the Cr.P.C. has been completed against the petitioner.



Having regard to the facts and circumstances of the case, as process u/s. 82 & 83 of the Cr.P.C. has been completed against the petitioner, I am not inclined to enlarge him on anticipatory bail.

However, if the petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order in accordance with law without being prejudiced by this order on the very date of surrender considering the fact that there is no specific overt act against the petitioner.

(Anjani Kumar Sharan, J)

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