

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52539 of 2023

Arising Out of PS. Case No.-79 Year-2019 Thana- JOGBANI District- Araria

Shambhu Pandey @ Vijay Pandey @ Vijay Kumar Pandey @ Bhashkar @
Mama Son Of Late Krishan Dev Pandey @ Late Hare Krishna Pandey Village
Dahariya Ps Chhataur, Dist- Supaul

... .. Petitioner/s

Versus

1. The Union Of India Through The Secretary, Ministry Of Home, Narcotic
Drugs Control Bureau, New Delh New Delhi
2. The State Of Bihar Through The Department Of Narcotic Drugs Control
Bureau, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur
For the Opposite Party/s : Mr. K.N.Singh (A.D.S.G)

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 12-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 21(C) and 22 of the Narcotic Drugs and Psychotropic Substances Act read with Sections 27(B)(ii) and 36 of the Drugs & Cosmetic Act.

3. As per the prosecution case, it is alleged that the petitioner along with other associates are indulged in illegal business of contraband narcotic drugs.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that on the basis of confessional statement of co-accused Amit Kumar, the petitioner



has been made accused in the present case. He further submits that the petitioner is suffering from third stage of cancer and is admitted in the Tata Memorial Hospital and also got treatment from the Mahavir Cancer Sansthan, Patna. He also submits that no contraband article was recovered either from the house of the petitioner or from his constructive possession. Petitioner has five criminal antecedents as mentioned in para-3 of this application.

5. Learned APP for the State opposes prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and the illness of the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six 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 the learned Court below where the case is pending/successor Court in connection with Jogbani P.S. Case No. 79 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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