

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53435 of 2023

Arising Out of PS. Case No.-147 Year-2023 Thana- DESARI District- Vaishali

HIMRAJ KUMAR @ SUNIL SON OF LATE DINANATH SINGH
RESIDENT OF VILLAGE- UPHRAUL, PS- DESARI, DIST- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 23-08-2023 1. Heard the learned counsel for the petitioner and the learned A.P.P. for the State.
2. The petitioner apprehends his arrest in connection with Desari P.S. Case No. 147 of 2023, registered for the offences punishable under Section 120(B) of the Indian Penal Code and Sections 8 & 20(b) of the N.D.P.S. Act.
3. The case of the prosecution, in brief, is that on 29.04.2023, the informant received information that foreign liquor had been kept at Neelam Shringar Gift shop, whereafter the informant along with his police force had conducted a raid at the said shop, however, during the course of raid, it transpired that the private



driver of the police force was trying to plant a polythene bag containing Ganja at the said shop and when the polythene was opened, Ganja was recovered. It is further alleged that the said driver, namely, Nitesh Kumar had disclosed that upon the instructions of the petitioner herein, he had tried to plant Ganja in the said shop with the sole purpose of falsely implicating the son of Neelam Devi i.e. the owner of the shop in question.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that merely on the basis of the confessional statement of the co-accused person Nitesh Kumar, who appears to be the main accused person, the petitioner has been falsely implicated in the present case, however, such statement made before the police has got no evidentiary value in the eyes of law.

5. *Per contra*, the learned A.P.P. for the



State has vehemently opposed the prayer for grant of anticipatory bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that neither the Ganja has been recovered from the petitioner nor he has been apprehended from the spot nor the shop in question belongs to the petitioner as also the main accused person appears to be the co-accused person, namely, Nitesh Kumar, apart from the fact that the petitioner is having a clean antecedent, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

7. Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Vaishali at Hajipur in connection with Desari P.S. Case No. 147 of 2023, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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