

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55733 of 2022

Arising Out of PS. Case No.-331 Year-2022 Thana- BARUN District- Aurangabad

RAMSWAROOP YADAV @ CHUHI SON OF MUNARIK YADAV R/O
KANCH, P.S.- BARUN, DISTT.- AURANGABAD (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar, Adv.

For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-01-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner apprehends his arrest in connection with Barun P.S. Case No. 331 of 2022 instituted under Sections 8, 15, 17, 18 and 25 of NDPS Act.

As per the prosecution story, the allegation is that police personnel on patrolling duty, raided one 'Binder Dhaba' situated at NH-2. Three persons allegedly escaped but one Prakash Mandal was caught. He however, presented himself as a labour and gave the name of the accused persons who escaped, the petitioner being one of them. On search, from 12 polythene bags, 500 grams each of 'Doda' powder totalling 6 kg. of 'Doda' and 6.500 kg. of Afim (Chilka) were recovered/seized.

Learned counsel for the petitioner submits that his



father, Munarik Singh is the land holder who had leased the 'Dhaba' to Yashbinder Singh who actually had opened the said 'Dhaba' in the name of 'Binder Dhaba'. An agreement to this effect dated 7.12.2020 has been brought on record as Annexure-2 to the present petition.

Further submission is that it is surprising that the seizure list contain the signature of Prakash Mandal but he is not in the column of accused. Further, he has not even been put forward as a witness and as such, it is clear that the police in a zeal to implicate this petitioner, had named him.

The last submission is that he do not have any criminal antecedent and his father, Munarik Singh was arrested.

Learned APP on the other hand opposes the prayer for anticipatory bail stating that there is recovery of 'Doda' powder and Afim (Chilka) and he does not deserve bail.

Taking into account the aforesaid facts as also that the agreement date is earlier to the present FIR, he do not have criminal antecedent, his father, Munarik Singh has already been arrested, Prakash Mandal has not been put forward as an accused, this Court is inclined to grant him privilege of anticipatory bail with conditions.

Let the petitioner be released on bail, in the event of



his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Barun P.S. Case No. 331 of 2022 to the satisfaction of learned 1st Additional Sessions Judge cum Special Judge (NDPS), Aurangabad, subject to the conditions as laid down under Section 438(2) of the Cr.P.C and with further conditions :

(i) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(ii) the petitioner(s) shall co-operate in the investigation and made himself available to the police as and when required.

(Rajiv Roy, J)

Ravi/Ajay
Singh/-

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