

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61354 of 2023

Arising Out of PS. Case No.-17 Year-2023 Thana- KOCHAS District- Rohtas

SHAILENDRA YADAV @ KARIMAN SINGH SON OF LATE SHIV
BACHCHAN SINGH VILLAGE- OJHAWALIA, PS- KOCHAS, DIST-
ROHTAS

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Prakash Singh, Advocate

For the Opposite Party/s : Mr.Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 11-10-2023 1. Heard the learned counsel for the petitioner and
learned APP for the State.

2. This is an application for grant of anticipatory
bail in connection with Kochas P.S. Case No.17 of 2023,
registered for offences under Sections 8(c), 20(b)ii(B), 29 of the
NDPS Act.

3. The case of the prosecution, in brief, is that on
13.01.2023, at about 19:30 hours, the informant received a
secret information that the accused persons are selling Ganja
from their godown, whereafter the informant alongwith his
police force had arrived at the place of occurrence and had
arrested one person, however, despite chasing the other person, he
had managed to flee away. Thereafter, search was made and 10.500



kg Ganja was recovered from a Scorpio vehicle, however, nothing was found from the godown 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 the petitioner has been falsely implicated in the present case merely since the Ganja has been recovered from the vehicle, which is registered in the name of the son of petitioner, however, the fact remains that no narcotic substance has been recovered from the godown of the petitioner. It is also submitted that Section 37 of the NDPS Act, 1985, would not be attracted, in the present case inasmuch as the quantity of Ganja, recovered by the police, is much less than the commercial quantity defined in the schedule notified under the provisions of the NDPS Act, 1985.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for 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 the vehicle in question



from which the Ganja has been seized, does not belong to the petitioner and no narcotics substance has been recovered from the godown of the petitioner as also he is having a clean antecedent, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

7. Accordingly, the above named petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or 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/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Rohtas at Sasaram, in connection with Kochas P.S. Case No.17 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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