

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73952 of 2023

Arising Out of PS. Case No.-726 Year-2022 Thana- BAGHA District- West Champaran

Om Prakash Chauhan Son Of Sri Ramakant Chauhan Resident Of Village
Nibiyahwa Madhubani, Ward No. 07, Ps- Dhanaha, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sagar Kumar, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 06-12-2023 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any,

within a period of three weeks from today.

2. Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in

connection with Bagaha P.S F.I.R. No. 726 of 2022 dated

22.10.2022 registered for the offence punishable u/ss

8/20(b)(ii)(c) of the Narcotic Drugs and Psychotropic

Substances Act.

4. As per the prosecution case, total 60.700 kg of

Ganja kept in five bags recovered from the two



apprehended persons namely, *Motilal Chauhan* and *Rajesh Sah*.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. It is further submitted that name of the petitioner has been disclosed on the confessional statement of two apprehended persons namely, Motilal Chauhan and Rajesh Sah. Learned counsel has further submitted that no incriminating article has recovered from the possession of the petitioner rather the recovery was made from the co-accused persons and the seized contraband is of commercial quantity. The petitioner has one criminal antecedent as stated in para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the



satisfaction of the learned court concerned, West Champaran at Bettiah in connection with Bagaha P.S. F.I.R. No. 726 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure with further condition:

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

Nilmani/-

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