

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72749 of 2022

Arising Out of PS. Case No.-476 Year-2022 Thana- MADANPUR District- Aurangabad

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RAGHBIR SINGH SON OF ZORA SINGH R/O VILLAGE- MAHOLI
KALAN, P.S.- SANGRUR, DISTRICT- SANGRUR STATE PUNJAB

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No.1, Advocate.

For the Opposite Party/s : Mr. Raj Ballabh Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 30-05-2023 Heard Mr. Mukesh Kumar No. 1, learned counsel for

the petitioner and Mr. Raj Ballabh Singh, learned Additional

Public Prosecutor appearing for the State.

Petitioner apprehends his arrest in connection with

Madanpur P.S. Case No. 476 of 2022 dated 15.9.2022 registered

for the offence punishable under Section 15(a) of the Narcotic

Drugs and Psychotropic Substance Act, 1985.

As per the prosecution story, a total quantity of 951

gram Doda Powder (Poppy straw) has been recovered from the

truck/trailor of which the petitioner is the owner.

Learned counsel for the petitioner submits that the

petitioner is Transporter and is owner of the said truck/trailor

who runs his vehicle on hire basis. On the date of occurrence,

the driver of the petitioner was plying the vehicle in the territory



of Bihar where the Poppy straw was recovered from the possession of the driver kept in the trailer/truck. He further submits that the petitioner has been made accused merely because he happens to be the owner of the truck and he was not aware about the Poppy straw kept by the driver and his associates. Petitioner resides in Punjab and is having no criminal antecedent. There is no likelihood that the petitioner will abscond or tamper with the evidence. The quantity of Poppy straw recovered from the truck in question is less than commercial quantity.

Regards being had to the submission made by the parties and taking into consideration the fact that the petitioner has got no criminal antecedent, he has been made accused on the basis of his being the owner of the truck in question, there is no likelihood that the petitioner will abscond or tamper with the evidence and/or custodial interrogation of the petitioner is required and quantity of Poppy straw, which has been recovered, is less than commercial quantity, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner, above named, shall be released on anticipatory bail on furnishing bail



bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional District & Sessions Judge cum Special Judge (N.D.P.S.), Aurangabad, in connection with Madanpur P.S. Case No. 476 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that one bailor should be local.

(Anil Kumar Sinha, J)

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