

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15122 of 2024

Arising Out of PS. Case No.-179 Year-2023 Thana- DUMARIAGHAT District- East
Champaran

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Dasharath Mahto Village- Bhitbharwa PS- Sangrampur Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 06-05-2024 1. Heard learned counsel for the petitioner and learned APP for the State, Mr. Chandra Bhushan Prasad.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 20(b)(ii) (c), 25 and 29 of the N.D.P.S. Act.
3. Learned counsel for the petitioner submits that the defects, as pointed by the office, shall be removed during the course of the day.
4. Permission is accorded.
5. Learned counsel for the petitioner next submits that petitioner is a person with clean antecedent and has been falsely implicated in the instant case based on the fact that he is owner of the seized motorcycle. It is further submitted that the informant alleges that he received a secret information that one



person is coming on HF-Deluxe motorcycle with Ganja from Areraj side accordingly he reached the place of occurrence and saw that two persons were coming on a motorcycle from Areraj side, accordingly, they were asked to stop the motorcycle, on which one accused fled and another accused was apprehended who disclosed his name as Krishna Kumar and from a bag 15 kg 450 grams of Ganja was recovered and he disclosed the name of the accused who fled as Jai Prakash Mahto. It is next submitted that petitioner is father of Jai Prakash Mahto and he was completely unaware that his son along with Krishna Kumar Sah would indulge in such illegal activity. It is next submitted that petitioner all throughout his life has remained a person with clean antecedent and he came to be implicated in the instant case on the ground that the seized vehicle is registered in his name. It is further submitted that the petitioner will not abscond rather will co-operate in the investigation.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on



anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Dumariaghat P.S. Case No. 179 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioner despite giving assurance to this Court is not co-operating in the investigation, in that event the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner forthwith.

9. Accordingly, the present anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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