

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9878 of 2024

Arising Out of PS. Case No.-172 Year-2018 Thana- ALAMGANJ District- Patna

Rajeev Kumar S/o Sri Ganesh Singh R/o Vill - Rampur Nausahan, P.S. -
Industrial Area Hajipur, Dist. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Vaishnavi Singh

For the Opposite Party/s : Mr. Pramod Kumar Pandey

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

ORAL ORDER

2 29-02-2024 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Alamganj P.S. Case No. 172 of 2018 registered for the
offences punishable under Sections 20 and 22 of the NDPS Act.

3. The prosecution case, in brief, is that on 09.04.2018
at about 17:00 hours, when the informant along with the other
police personnel was on special drive, he received information
that one Alto car bearing Registration No.JH-01K-1561 is
parked in front of Hathiya Bagan under suspicious condition. It
is alleged that when the said vehicle was searched, 40 kgs of
ganja was recovered from the said vehicle.



4. Learned Counsel for the petitioner submitted that the petitioner is innocent, committed no offence and has no criminal antecedent. It was further submitted that the petitioner is not named in the FIR but has falsely been implicated as an afterthought and in collusion with police. It was next submitted that the name of the petitioner was disclosed by the co-accused Yugal Kishore Singh Naveen, which has no evidentiary value in the eyes of law. It was further submitted that neither the petitioner was arrested from the spot nor anything incriminating was recovered from the conscious possession of the petitioner, rather the alleged ganja was recovered from the said Alto car. It was lastly submitted that no case under Sections 20, 22 of NDPS, Act is made out against the petitioner. On these grounds, prayed for privilege of anticipatory bail to the petitioner. The petitioner is accused in one more case which is not of similar nature. The petitioner is not the owner of the said car. The seized contraband is of commercial quantity.

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

6. Considering the aforesaid facts and circumstances of the case as well as the material available on the record, 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, Patna in connection with Alamganj P.S. Case No. 172 of 2018 subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

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 prosecution will be at liberty to move for cancellation of his bail bond.

7. The application stands allowed.

(Chandra Prakash Singh, J)

Prakash/-

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