

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19400 of 2024

Arising Out of PS. Case No.-203 Year-2020 Thana- JOGBANI District- Araria

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Raja Ram Roy Son Of Ramautar Roy Resident Of Village- Randaha Asuri,
Ps- Jogbani, Distt- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mrigendra Kumar

For the Opposite Party/s : Mr.Anish Chandra

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 19-07-2024 **1.** Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 21, 22 and
23 of the Narcotic Drugs and Psychotropic Substance Act (NDPS
Act).

3. The learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and has been falsely
implicated in the instant case. It is next submitted that informant
alleges that on 23-8-2020, he along with other police personnel
were on special patrolling and when they reached near Damdaha
Chowk at 3:25 PM, they got secret informant that *Ganja* is being
transported on Splendor Plus motorcycle thereafter they saw one
person coming on a motorcycle who on seeing the police force



tried to escape, but on chase, he was apprehend along with motorcycle and disclosed his name as Mahanand Yadav, further a bag was found over the motorcycle which was seized and on search, 975 gm of *Ganja* was recovered.

4. It is next submitted that petitioner was not arrested from the spot as such nothing was recovered from his conscious possession. It is further submitted that name of the petitioner transpired in the confessional statement of Mahanand Yadav in police custody which does not have any evidentiary value. It is further submitted that Mahanand in his confessional statement accepted that the motorcycle belongs to him, when motorcycle belongs to one Satish Kumar Jha, which amply demonstrates that he was trying to save Satish Kumar Jha by taking the blame on himself that he is owner of the seized motorcycle. It is also submitted that the alleged recovery is a little less than small quantity. It is also submitted that confessional statement of apprehended accused is not admissible in evidence in terms of laws laid by the Hon'ble Supreme Court in the case of ***Toofan Singh vs. State of Tamil Nadu*** reported in ***(2021) 4 SCC 1***. It is further submitted that petitioner will not abscond rather will cooperate in the investigation.

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



6. 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. 25,000/- (Rupees Twenty Five 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 Jogbani P.S. Case No. 203 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. One of the bailors of the petitioner shall be his father, Ramautar Roy.

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 the petitioner, despite giving assurance to this court, is not cooperating in the investigation, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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