

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15161 of 2024

Arising Out of PS. Case No.-1310 Year-2023 Thana- KAHALGAON District- Bhagalpur

Sonu Kumar son of Vinod Sah Village- Ekchari Ps- Rasalpur Dist- Bhagalpur

... .. Petitioner/s

Versus

1. The Union of India through NDPS New Delhi
2. The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Anil Chandra, Advocate
For the Union of India : Ms. Kanak Verma, CGC

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 16-07-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 406 and 420 of the Indian Penal Code and Sections 8A(C) and 21(B) of the N.D.P.S. Act.

3. As per prosecution case, this petitioner is alleged to have kept smack in the cap of the informant which was seized by the police.

4. It is submitted by learned counsel appearing on behalf of the petitioner that from bare perusal of the F.I.R. it is apparent that the alleged smack was recovered from the possession of the informant and in retaliation, this false and concocted case has been lodged. It is further submitted that though the alleged smack was seized from the possession of this



informant, he has not been made an accused in this case. It is further submitted that the alleged article was seized near Classic Restaurant at Station Chowk whereas the seizure list shows that the alleged article has been seized in the campus of Kahalgaon Police Station. Petitioner claims clean antecedent.

5. Learned counsel for the Union of India has opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the aforesaid facts and circumstances and clean antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Bhagalpur, in connection with Kahalgaon P.S. Case No. 1310 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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