

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18985 of 2024

Arising Out of PS. Case No.-540 Year-2020 Thana- BARACHATTI District- Gaya

KUNAL KUMAR Son of Sachida Nand Sharma Resident of Village-
Mithapur, P.S.-Bihta, District-Patna, Bihar-801112.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Muskan Singh

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 6 30-09-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State, Shri. Chandra Bhushan Prasad.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 20, 22, 29
of NDPS Act.
3. Learned APP submits that in compliance of the
order dated 23-8-2024, a counter-affidavit is being filed on behalf
of the Investigating Office of the case, which is taken on record.
4. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and informant alleges
that on 5-9-2020 at 8.45 PM, the S.H.O got an information that a
pick-up vehicle has turned turtle, accordingly the informant was
deputed to verify the information, thereafter the informant
reached the place of occurrence and found the pick-up vehicle
from which 335 kg of *ganja* was recovered.



5. The Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant based on the fact that he is owner of the seized pick-up vehicle. It is next submitted that the police did not investigate the case in its correct perspective for arriving at a conclusion regarding involvement of the Petitioner in the incident. It is next submitted that it is not in dispute that the Petitioner is the owner of the seized vehicle but then it is submitted that Petitioner, right from the beginning, has been staying at Orissa and is a bank employee and is presently posted in PNB Netlife India Insurance Company Limited, Angul branch, Orissa. It is further submitted that Petitioner had purchased the said vehicle after taking loan and since he was residing in Orissa, as such, he made an agreement with his father dated 24-6-2020 that the vehicle would be in possession of his father, who would be paying the EMI. It is also submitted that the father of the petitioner in pursuance of the said agreement entered into a further agreement with Faheem Ansari on 2-7-2020 with a condition that Faheem Ansari would run the vehicle and would also pay the EMI of the vehicle in question. The learned counsel thus submits that the fault of the Petitioner was that he completely believed in his father that he would run the vehicle and at the same time would pay the installment but his father also entered into a further agreement



with Faheem Ansari who used to use the vehicle for commercial purposes and was even paying the EMI of the vehicle to the Bank. The learned counsel next submits that all these facts have come during the course of investigation also.

6. The learned APP, Shri. Chandra Bhushan Prasad, submits that during the course of investigation, it has come that Petitioner resides at Orrisa and is working with a bank and had purchased the vehicle in question after obtaining the loan and had given the vehicle to his father after entering into an agreement and his father had entered into an agreement with Faheem Ansari. The learned APP next submits that investigation is still continuing and if privilege of anticipatory bail is granted to the Petitioner, he may abscond, on which the learned counsel appearing on the other Petitioner submits that petitioner will not abscond, rather he will cooperate in the investigation to prove his innocence.

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. 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 Barachatti P.S. Case No. 540 of 2020, 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 the petitioner, despite giving assurance to this Court, is not cooperating in the investigation or is not presenting himself as and when required, the learned trial court shall be at liberty to forthwith cancel the bail bonds of the petitioner after recording reasons.

9. It is further made clear that if after investigation, charge sheet is submitted connecting the petitioner with the offence, in that event, the present anticipatory bail order shall lose its effect.

10. Let a copy of this order be sent to the concerned police station through the learned Trial Court.

(Satyavrat Verma, J)

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