

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32392 of 2024

Arising Out of PS. Case No.-726 Year-2022 Thana- BAGHA District- West Champaran

OM PRAKASH CHAUHAN SON OF SRI CHAUHAN RESIDENT OF
VILLAGE - NIBIYAHWA, MADHUBANI, WARD NO. 07, P.S. -
DHANAHA, DISTRICT - WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharad Kumar Verma, Adv.

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

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

ORAL ORDER

2 02-08-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 8 and 20(b)(ii)(c) of the N.D.P.S. Act.

3. As per the prosecution case, on seeing police party, some accused persons were trying to flee after throwing sacks. On chase, two of them were apprehended. It is alleged that altogether 60.7 kg of ganja like substance was recovered from five sacks.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. No incriminating article has been recovered from the conscious



possession of the petitioner rather the recovery was made from the co-accused persons and the seized contraband is of commercial quantity. The petitioner has no concern with the alleged recovery. It is further submitted that the name of the petitioner has been disclosed in the confessional statement of two apprehended persons namely, Motilal Chauhan and Rajesh Sah. The petitioner has one criminal antecedent in which he is on bail as stated at para 3 of the bail petition.

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, 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, West Champaran at Bettiah in connection with Bagaha P.S. Case No. 726 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, with the conditions:-

(i) 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 bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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