

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52354 of 2023

Arising Out of PS. Case No.-119 Year-2022 Thana- JOGBANI District- Araria

RAJU KUMAR SRIVASTAVA @ RAJU SRIVASTAVA son of Lavliln
Kumar Srivastava Village- Khajurbari Ward no-5, Ps- Jogbani Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar Singh, Adv.

For the Opposite Party/s : Mr.Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 30-01-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner apprehends his arrest in a case registered for
the offence punishable u/s 20, 21, 22, 23 of the N.D.P.S. Act.

3. Altogether 71.4 kg Ganja has been recovered from two
motorcycles, out of which, it is alleged that 37.5 Kg of Ganja
has been recovered from the motorcycle of the petitioner.

4. It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence.
Petitioner is not named in the F.I.R. nor he was seen on the spot.
His name transpired in this case as the owner of one of the
motorcycles and on that basis he has been made accused in this
case but it is fairly submitted that the petitioner has already sold
the said motorcycle two years back to one Bharat Kumar on



24.08.2020 and in this regard, the affidavit issued by the Notary, sale letter, Form-29 and Form-30 are enclosed at Annexure-2 of the bail petition. No incriminating contra band article has been recovered from the conscious physical possession of the petitioner and he has no concern with the alleged recovery. Petitioner has no criminal antecedent.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, since no recovery has been made from the possession of the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Jogbani P.S. Case No.119 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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