

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52709 of 2024

Arising Out of PS. Case No.-822 Year-2023 Thana- ARA NAWADA District- Bhojpur

Ranjit Kumar @ Ranjit Rai, (Male), aged about 38 years, Son of Mahesh Rai,
R/O Village- Baruhi, P.S.- Sahar, Dist- Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Madhav Raj, Advocate

For the Opposite Party : Mr. Umeshanand Pandit, A.P.P.

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

ORAL ORDER

5 17-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
N.D.P.S. Case No. 11 of 2024, arising out of Ara Nawada P.S.
Case No. 822 of 2023 dated 21.11.2023 registered for the
offences punishable under Sections 20(b)(ii)(c), 21 (c) and 29 of
the N.D.P.S. Act.

3. As per the prosecution case, on 21.11.2023, on
seeing police, the co-accused Satish Pandey and Ranjit Kumar
(petitioner) who were boarded on a motorcycle with a bag near
the Government Bus Stand started fleeing away with the bag but
they were apprehended by police and on search, 350 gram
Heroin like substance and Rs. 1,00,000/- were recovered from



the said bag.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner has no concern with the recovered *Heroin* and he was merely standing near the motorcycle. It is wrong to say that the petitioner was carrying a bag and was riding the motorcycle with the co-accused Satish Pandey. He was neither aware of the brown bag nor had any whisper of the articles kept in the bag in question. Learned counsel for the petitioner by filing a supplementary affidavit on behalf of the petitioner has submitted that the petitioner runs a medical shop in Arwal by taking the franchise of Bluemedix. On the alleged date of occurrence, the petitioner had gone to Arwal by taking a bus from Ara Bus Stand to go to his shop Bluemedix, in the meantime, the co-accused Satish Pandey to whom the petitioner knew, met him at Ara Bus Stand and started knowing each other condition, in the meantime, the petitioner was standing near the motorcycle of the co-accused Satish Pandey and talking, the police came and arrested the co-accused Satish Pandey and the petitioner Ranjit Kumar and on protest against his arrest without any reason, during which there was an altercation took place between the petitioner and the police



personnel and there was exchange of hot words, due to which, the police personnel, in anger, made him also an accused in the present case. It is further submitted that the seized motorcycle being Chassis No. MEIRG67K7P0002170 and Engine No. G3N4E0519422 is also registered in the name of other person, namely, Pappu Kumar. It is further submitted that during the course of investigation, the Circle Officer who was deputed as Magistrate has deposed in his statement recorded under Section 161 of the Cr.P.C. that the petitioner was standing near the motorcycle and the brown bag was in the hand of the co-accused Satish Pandey which is available in paragraph no. 20 of the case diary. It clearly shows that the brown bag from which *Heroin* was recovered, was not in conscious possession of the petitioner. No incriminating article has been recovered from the possession of the petitioner. It is further submitted that neither any money transaction was done from the account of the petitioner to the co-accused persons nor he has any concern with them. The charge sheet has already been submitted in the present case. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 21.11.2023.

5. Learned A.P.P. for the State has vehemently



opposed the bail petition of the petitioner. The seized contraband is commercial quantity.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-Ist, Bhojpur at Ara in connection with N.D.P.S. Case No. 11 of 2024, arising out of Ara Nawada P.S. Case No. 822 of 2023 with further condition:-

(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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