

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55264 of 2024

Arising Out of PS. Case No.-12 Year-2023 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- Patna

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Vinod Kumar @ Vinod Kumar Yadav Son of Bhuteli Ray R/O Vill.- Paiga,
Sheikhpura, P.s.- Amnaur, Dist.- Saran At Chapra.

... .. Petitioner/s

Versus

The Union Of India through the S.P., NCB, Patna BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjit Kumar Thakur, Advocate
For the Opposite Party/s : Mrs. Shail Kumari (A.S.G.)

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-09-2024 Heard learned counsel for the petitioner and Mrs.

Shail Kumari learned counsel for the NCB.

2. The petitioner apprehends his arrest in connection with NCB Patna P.S. Case No. 12 of 2023 for the offence registered under Sections 8(c) r/w 20(b) (ii) (c) 26 29 and 35 and Section 54 of the NDPS Act.

3. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that Subhash Sah and Pramukh Pandit were apprehended with 15.900 K.G. of ‘charas’ along with the motorcycle. It is further submitted that the petitioner is not apprehended from the



spot and as such, nothing is recovered from his conscious possession and came to be implicated in the instant case based on the confessional statement of apprehended accuseds in the custody of NCB which does not have any evidentiary value. It is also submitted that the petitioner is not named in the FIR which amply demonstrate that he came to be implicated subsequently. It is next submitted that had the petitioner been involved in the occurrence then the apprehended accused at the time of their arrest would have disclosed the name of the petitioner.

4. Learned counsel appearing on behalf of the NCB vehemently opposes the anticipatory bail application and submits that though the petitioner is not named in the FIR but then his name transpired based on confessional statement of apprehended accused persons, who are in police custody. It is also submitted that investigation of the case is in nascent stages and in that event, if privilege of anticipatory bail is granted to the petitioner, in that event, the petitioner may abscond or temper with the evidence on which learned counsel appearing on behalf of the petitioner submits that the petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. Considering the submissions made by the learned



counsel appearing on behalf of the petitioner, let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 50,000/- (fifty thousand) each with two sureties of the like amount each to the satisfaction of the learned Session Judge, Saran at Chapra in connection with NCB Patna P.S. Case No. 12 of 2023, subject to condition as laid down under Section 438(2) of the Cr.P.C., subject to condition that one of the bailor shall be his father, namely, Bhuteli Ray.

6. 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 Trial Court shall be at liberty to cancel the bail bond of the petitioner and to take all coercive steps to ensure that the petitioner is behind the Bar.

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



8. The learned counsel appearing on behalf of the NCB is directed to communicate the order to the authorities of the NCB.

(Satyavrat Verma, J)

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