

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62514 of 2024

Arising Out of PS. Case No.-33 Year-2021 Thana- SUHAIL District- Gaya

Rajan Kumar S/o Puna Yadav @ Pun Yadav RO Village- Rangeya, PS-
Manatu, District- Palamu Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar, Advocate
For the State : Mr. Renu Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 06-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Suhail P.S. Case No. 33 of 2021 registered for the alleged offences under Section 8, 20(B)(ii)(C), 25, 29 of the Narcotic Drugs and Psychotropic Substances Act.

03. As per prosecution case, on the basis of secret information about *opium* being transported in a four wheeler, the said vehicle was intercepted and driver and two passengers were apprehended and from the persons on passenger seats 950 gram and 1050 gram of liquid opium were recovered. The apprehended co-accused Satyendra Yadav named the co-accused Rampukar Yadav as well as this petitioner for being involved in this opium trade.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is in no way connected with the recovered contraband. The petitioner has no concern with transportation of opium or any other contraband. The name of the petitioner transpired in this case on the basis of confessional statement of co-accused Satyendra Yadav but the confessional statement of co-accused Satyendra Yadav has got no evidentiary or legal value. Similarly situated co-accused Rampukar Yadav has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 28.03.2024 passed in Cr. Misc. No. 17589 of 2024. Learned counsel further submits that there is no material to connect the petitioner with the offences as alleged. The petitioner has clean antecedent.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner. Learned A.P.P. submits that the petitioners and others are involved in inter-State opium trade.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the remoteness of allegation and lack of substantive material to connect the petitioner with the offences as alleged, let the petitioner above named, in the event of his arrest or surrender

before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of Court of learned Sessions Judge-cum-Special Judge, N.D.P.S. Act, Gaya in connection with Suhail P.S. Case No. 33 of 2021, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court. 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 petitioner despite giving assurance to this court is not co-operating in the investigation, in that event the

learned trial court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons and shall take all coercive steps to ensure that the petitioner is put behind the bars.

(iii) 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 lose its effect.

(Arun Kumar Jha, J)

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