

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60754 of 2023

Arising Out of PS. Case No.-60 Year-2023 Thana- JOGAPATTI District- West Champaran

Sanjay Chaudhary, aged about 29 years, Male, Son of Late Sitaram Chaudhari
@ Late Sita Ram Chaudhary, Resident of Village- Dhadhawa, Ward No. 06,
P.S.- Yogapatti, (Nawalpur), Dist- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Sanjeev Kumar, Advocate and Ms. Bharti Rai,
Advocate.

For the State : Mr. Shailendra Kumar Singh, A.P.P.

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

ORAL ORDER

4 12-02-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Yogapatti (Nawalpur) P.S. Case No. 60 of 2023 dated 18.02.2023 registered for the offences punishable under Sections 8, 20(b) II (c), 23(c) of the N.D.P.S. Act.

3. As per the prosecution case, 1.871 Grams of Charas is said to have been recovered from the trunk of the house of the petitioner.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. The petitioner is not named in the F.I.R. The name of



the petitioner has sprang up in the present case on the basis of the confessional statement of the co-accused Bhim Saahni @ Thekedar to the effect that the co-accused Bhim Sahni alongwith his associate Satarjeet Chaudhary had stayed at the hut of the petitioner who happens to be the brother-in-law (bahnoi) of Satarjeet Chaudhary and without giving any information to the petitioner or to any one of his family members, the co-accused Bhim Sahni put two packets of Charas in a Tin Box which was lying in the hut. The petitioner had no knowledge regarding the contraband article kept in the Tin Box. The petitioner was not even acquainted with the co-accused Bhim Sahni and he simply allowed him to stay in his hut for one night because he had come with his brother-in-law (bahnoi) of the petitioner. The petitioner has one criminal antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as finding substance in the contention of learned counsel for the petitioner, 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/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Bettiah, West Champaran, in connection with Yogapatti (Nawalpur) P.S. Case No. 60 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure 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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