

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79595 of 2023

Arising Out of PS. Case No.-401 Year-2023 Thana- BANIAPUR District- Saran

Suresh Puri S/O Ram Prasidh Puri R/O Village- Karahi, Ps. Baniapur, Dist. Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Adv.

For the Opposite Party/s : Mr.Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 25-01-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in connection with Baniapur P.S. Case No. 401 of 2023 dated 25.09.2023 registered for the offences punishable u/ss 8, 20(B)(ii) (C) of the N.D.P.S. Act.

3. As per the prosecution case, total 5.400 Kg. ganja and Rs. 51,015/- were recovered from the house of the co-accused, Raj Kumar who disclosed that his uncle (petitioner) used to bring ganja.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The name of the petitioner has sprung up in the confessional statement of the co-accused, Raj Kumar. There is no material against the petitioner except the confessional statement of the co-accused. Learned



counsel has further submitted that the seized contraband is less than the commercial quantity, hence no case is made out against the petitioner. It is further submitted that the petitioner has no concern with the alleged recovery rather the recovery has been made from the house of the co-accused. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

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

6. Considering the aforesaid facts and circumstances of the case as well as the fact that no recovery was made from the possession of 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 bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Chapra, Saran in connection with Baniapur P.S. Case No. 401 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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