

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83969 of 2023

Arising Out of PS. Case No.-183 Year-2023 Thana- BAUNSI District- Banka

RAJ KISHORE YADAV S/O JAGDISH YADAV RESIDENT OF SOUTH
RAHIMPUR TOLA MATHAR DIYARA WARD NO. 11, P.S.- MUFASSIL,
DISTRICT- KHAGARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shantanu Kumar

For the Opposite Party/s : Mrs.Asha Devi

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-01-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. Petitioner is apprehending his arrest in connection with
Bounsi P.S. Case No.183 of 2023, registered for the offence
punishable u/s 8/20(b), (ii)(c), 25, 29 of NDPS Act.

3. Allegedly, police has seized 301 kg of *Ganja* (contra
band) from the truck of the petitioner and the driver and the
khalasi were apprehended on the spot.

4. It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has not committed any offence.
He has been falsely implicated in this case merely on suspicion.
No incriminating article has been apprehended from the
conscious physical possession of the petitioner. He has been
made accused in this case only on the basis that the said



recovery has been made from his truck but the real fact is that his vehicle is a commercial vehicle and is used by the driver for loading and unloading of assets of the customers and the petitioner had no knowledge regarding loading of the contra band article on his truck. Petitioner has no criminal antecedent.

5. Learned APP for the State opposed the prayer for bail.

6. Considering the aforesaid facts and circumstances and considering the nature of offence, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. This application is accordingly dismissed.

8. However, petitioner is at liberty to surrender before the learned Court below within a period of six weeks and seek regular bail and the learned Court below would pass order, preferably, on the same day, in accordance with law, considering that the truck of the petitioner was a commercial vehicle and the driver and the khalasi were apprehended on spot while no recovery has been made from the possession of the petitioner.

(Anjani Kumar Sharan, J)

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