

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51968 of 2015

Arising Out of PS.Case No. -94 Year- 2013 Thana -RAXAUL District- EAST
CHAMPARAN(MOTIHARI)

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Noorul Hoda son of Md. Yunush Mian, resident of village- Nakardai
Sirisiya, P.S.- Nakardai, District- East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Asha Devi(App)

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
PRATAP SINGH
ORAL ORDER

3 04-02-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner apprehends his arrest in a case instituted under Sections 20(B), 22, 23, 24 of the N.D.P.S. Act. The brief facts of the case is that one Anwat Sahani was apprehended with 18 gms of brown sugar. The name of the petitioner has transpired in the statement of Anwat Sahani, who stated that this petitioner had given him narcotic substance for carrying it to Raxaul for a consideration of Rs.500/-.

Learned counsel submits that the D.S.P. I/c, Raxaul, in his supervision report has observed that the appropriate steps should be taken against the petitioner only after collecting cogent material against him. Learned counsel further submits

that it appears that the charge-sheet have been submitted without their being any cogent material and contrary to the observation of the Supervising Officer. The petitioner further submits that he is a government servant and there is no chance of his absconding in this case and admittedly the narcotic substance has not been seized from him.

It is true that the narcotic substance has not been seized from the conscious possession of the petitioner but as the person from whom it has been apprehended had disclosed him as the person who gave the same, I am not inclined to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner is refused with direction to surrender and seek regular bail which would be disposed of on its own merit without prejudice, preferably on the same day.

With the aforesaid observation, the anticipatory bail application filed by the petitioner is hereby dismissed.

(Samarendra Pratap Singh, J)

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