

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18010 of 2017

Arising Out of PS.Case No. -295 Year- 2016 Thana -UDWANTNAGAR District- BHOJPUR

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1. Bhisham Kumar Ray, Son of Bankey Rai, R/o Vill- Chota Telpa, Police Station- Chapra Nagar, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harsh Singh
: Mr. Ravi Shankar Choudhary
For the Opposite Party/s : Mr. Sri Ataur Rahman

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 03-05-2017 The petitioner is apprehending his arrest in connection with Udwant Nagar P.S. Case No. 295 of 2016, registered for offences punishable under Sections 20(B)(ii)(c) and 22(C) of NDPS Act.

Prosecution case is that police on secret information stopped two vehicles and upon search found 24.350 kg *ganja* from Mahindura XUV car and 94.8 kg *ganja* from Indigo car and the persons, who were apprehended on the spot disclosed the name of the petitioner as one of the financiers of the recovered *ganja*.

It has been submitted on behalf of the petitioner that petitioner has falsely been implicated in this case. In fact, the present case is a case of mistaken identity and this petitioner is not named in the F.I.R. rather a person of same name i.e. Bhisma



Kumar, who is resident of village Dahiyawa Tadipad, P.S.-Chapra Nagar, Dist- Chapra (Bhojpur) is named on the confessional statement whereas the petitioner is resident of Chota Telpa, Sadar Chapra, Chapra Nagar, Bhojpur. Further the case diary also does not show that the petitioner is the same person whose name has been disclosed by the apprehended persons.

Heard learned A.P.P. also.

Having heard both sides, considering the facts and circumstances of the case, nature of allegation and also that huge quantity of *ganja* has been recovered in this case and one of the persons, who were apprehended on the spot has disclosed the name of petitioner as one of the financers of the recovered *ganja*, as such, I am not inclined to grant the petitioner, the privilege of anticipatory bail, it is accordingly rejected.

Let petitioner surrender before the court below and make prayer for regular bail and if any such application is filed, the court below after considering all the materials available on record, shall pass an appropriate order, without being prejudiced by the order of this Court.

(Vinod Kumar Sinha, J)

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