

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51467 of 2016

Arising Out of PS.Case No. -390 Year- 2016 Thana -GAYA MUFFSIL District- GAYA

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1. Shankar Kumar Son of Anirudh Pandit, Resident of Village- Kawayganj,
P.S.- Wazirganj, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahtab Alam

For the Opposite Party/s : Mr. Smt. Rita Verma

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 16-01-2017 Heard learned counsel for the petitioner as well as
learned Addl. Public Prosecutor.

The petitioner prays for anticipatory bail in connection with Gaya Mufasil P.S. case no. 390 of 2016 registered for the offence punishable under Sections 414/34 of the Indian Penal Code and Section 27(b)(ii), 28 and 28(A) of Drugs and Cosmetic Act, 1940 and Amendment Act, 2008.

It is submitted on behalf of petitioner that on the face value of FIR, no case is made under Section 414 of Indian Penal Code or under various sections of Drugs and Cosmetic Act. It is further submitted that petitioner was not arrested at the spot rather he is arrested on the basis of statement of his brother Ravi Kumar and there is no material available on record against the



petitioner.

Heard learned A.P.P. also. Learned A.P.P. has opposed the prayer for bail.

Having heard both sides. From perusal of record, it appears that huge quantity of illegal drugs were recovered from a shop which, according to brother of petitioner, is of the petitioner. As such, I am not inclined to grant bail to the petitioner and hence, his prayer for anticipatory bail is rejected. However, petitioner will surrender before the court below and pray doe regular bail and learned court below is directed to consider the bail of the petitioner on its own merit without being prejudiced by the order of this court.

(Vinod Kumar Sinha, J.)

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