

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.6893 of 2018**

Arising Out of PS.Case No. -157 Year- 2017 Thana -SULTANGANJ District- PATNA

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1. Md. Kallu, Son of Bechchu @ Firoj Mian @ Md. Firoj @ Md. Bachhu,  
Resident of Abdul Bari Bhawan, Pani Tanki Ambedkar Colony, P.S.-  
Sultanganj, District- Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

4      30-03-2018                      Heard the learned counsel for the petitioner and the  
  
learned A.P.P. for the State.

This is an application for grant of anticipatory bail  
in connection with Sultanganj PS case no. 157 of 2017 registered  
for the offences punishable under Sections 401, 413, 414/34 of  
Indian Penal Code and 20/22 of N.D.P.S. Act.

The allegation is regarding recovery of huge  
quantity of *ganja* totaling to about 33.850 kg apart from stolen  
articles, cash, mobiles etc. from a house from the possession of co-  
accused person namely Madina Khatoon and her son who is the  
petitioner herein. The police had formed a special team and  
reached the said house from where, the incriminating articles  
including *ganja* has been recovered.



The learned counsel for the petitioner submits that a bare perusal of the seizure list would show that the *ganja* has been recovered from the mother of the petitioner, hence the petitioner should be granted anticipatory bail. The learned counsel for the petitioner has also referred to the bail granted to the accused person namely Baliya @ Baliya Khatoon vide order dated 06.11.2017 passed by the Hon'ble Court in Cr.Misc. no. 49981 of 2017.

First of all, coming to the aforesaid order passed by this Court, it is seen that the same is absolutely distinguishable from the present case inasmuch as, firstly, the bail has been granted to the petitioner of the aforesaid case on account of her being a lady and moreover, there is no specific allegation against her in the FIR. Nonetheless, there is direct allegation against the mother and son (petitioner herein), being in possession of huge quantity of contraband/ narcotic substance.

In view of the fact that huge quantity i.e. commercial quantity of *ganja* has been recovered and there being no provision for grant of anticipatory bail unless this Court comes to a finding that the petitioner is not guilty, as is the mandate of Section 37 of the N.D.P.S. Act, 1985, the prayer of the petitioner for grant of anticipatory bail is devoid of any merit. Moreover,



even on merits, the petitioner has got no case in as much as *prima facie* there is enough material on record to connect him with the alleged crime.

Accordingly, the prayer for anticipatory bail of the petitioner is hereby, dismissed.

**(Mohit Kumar Shah, J)**

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