

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5758 of 2019

Arising Out of PS. Case No.-254 Year-2017 Thana- BIDUPUR District- Vaishali

Sanjay Singh Kushwaha @ Sanjay Kushwaha S/o- Sri Ram Babu Singh, R/V-
Mile,

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Veena Kumari Jaiswal, A. P.P.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 28-03-2019 Heard the parties.

The petitioner seeks anticipatory bail in connection with Bidupur P.S.Case No. 254 of 2017, registered for offences punishable under Sections 8/20 (b) (ii) (c) of the NDPS Act and 30 (a) of the Bihar Prohibition and Excise Act, 2016.

Allegation as per F.I.R. against the petitioner is of recovery of 35 K.G. Ganja and 23 pieces of 750 ml of Royal stag Foreign liquor from Dalan of the petitioner and accordingly, seizure list has been prepared.

Submission of the learned counsel for the petitioner is that petitioner was neither arrested on the spot nor any incriminating articles have been recovered from the possession of the petitioner and the petitioner has no criminal antecedent.

Learned A.P.P. opposes the prayer for bail on the



ground that seizure list itself shows that the Ganja and Royal stag has been recovered from Dalan itself of the petitioner.

Having heard both sides and in view of the facts and circumstances as discussed above, the case of the petitioner is concerned, I am not inclined to grant bail to the petitioner, Accordingly, prayer of anticipatory bail is rejected with a direction to the petitioner that if the petitioner surrender before the court below within a period of six weeks from the date of order and make prayer for regular bail, which will be considered by the learned court below on its own merit without being prejudiced by this order of this Court.

This application is accordingly dismissed.

(Vinod Kumar Sinha, J)

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