

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26896 of 2020

Arising Out of PS. Case No.-265 Year-2020 Thana- KANTI THARMAL POWER District-
Muzaffarpur

MD. NEYAJ NAVI @ NEYAJ NAVI Son of Sahadat Miya Resident of
Village - Tumariya Tola, P.S.- Raxaul, District - East Champaran at present -
Kolhua, P.S.- Ahiyapur, District - Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Kumar Vikram, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 02-02-2021 Heard learned counsel for the petitioner and Mr. Zainul
Abedin, learned A.P.P. for the State.

The petitioner, in the present case, is seeking pre-arrest
bail in connection with Kanti P.S. Case No. 265 of 2020 registered
for the offence under Sections 8/20/22 of the N.D.P.S. Act.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this case.
Learned counsel submits that the name of the petitioner has
transpired in the confessional statement of co-accused Md. Alam who
was arrested at the spot. It is further submitted that no incriminating
article has been recovered from the conscious possession of the
petitioner.

Learned A.P.P. for the State is present and has opposed the
prayer for anticipatory bail of the petitioner.



Having regard to the facts and circumstances of the case, wherein the name of this petitioner has transpired in the statement of his father-in-law who was apprehended on the spot and the alleged smack and charas were recovered from his house and he has one criminal antecedent, this Court is not inclined to grant privilege of anticipatory bail to the petitioner. His prayer for anticipatory bail is thus refused.

In case the petitioner surrenders and prays for regular bail in the learned court below within a period of four weeks from today, his prayer for regular bail shall be considered on its own merit without being prejudiced by order of this Court.

The observation with regard to surrender in the court below within a period of four weeks shall not be construed as granting any interim protection to the petitioner for the aforesaid period.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

