

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29979 of 2020

Arising Out of PS. Case No.-131 Year-2020 Thana- BHABHUA District- Kaimur (Bhabua)

IRSAD KHAN Son of Israil Khan Resident of Village - Bhabua Ward No. 22,
P.S. Bhabua, District - Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parwej Khan

For the Opposite Party/s : Mr. Amit Kumar Rakesh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 01-03-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in Bhabua P.S.
Case No. 131 of 2020 registered for the offences punishable
under Sections 18, 21, 21 B & 27 A of the N.D.P.S. Act
pending in the Court of learned Sessions Judge-cum-Special
Judge, Kaimur at Bhabua.

As alleged in the F.I.R., police apprehended co-
accused Deepak Das in connection with Bhabua P.S. Case
No.105 of 2020, who disclosed about the trade of Heroin being
run by co-accused Tufani Gond and Firoj @ Chawanni Ansari
then the police apprehended both these accused and recovered
Heroin as well as some cash from their possession and they
disclosed the name of this petitioner as the supplier of Heroin



for its sale in open market.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case by the co-accused due to animosity. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. It is further submitted that test report of the alleged seized article has not been brought on record. There is nothing in the record indicating the complicity of the petitioner in the occurrence barring the confessional statement of co-accused Firoj @ Chawanni Ansari which has no evidentiary value in the eye of law. Petitioner has no criminal antecedent.

Learned APP for the State vehemently opposing the bail petition submitted that the petitioner works as a stockist of the Heroin and give it to his associate to sell in market. Hence, he does not deserve anticipatory bail.

Considering the facts and circumstances of the case and after perusing the case diary, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected. However, the petitioner is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court



below would pass order on the same day in accordance with law
without being prejudiced by this order.

(Anjani Kumar Sharan, J)

Trivedi/-

U		T	
---	--	---	--

