

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31789 of 2020**

Arising Out of PS. Case No.-587 Year-2019 Thana- BARACHATTI District- Gaya

Bijay Yadav, aged about 26 years, Son of Dwarika Yadav, Resident of Village-
Bajjnathpur, P.S.- Barachatti (Mohanpur), District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Advocate
For the State : Mr. Nand Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 20-02-2021

Heard Mr. Umesh Kumar Singh, learned counsel for the petitioner and Mr. Nand Kumar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner apprehends arrest in connection with Barachatti (Mohanpur) PS Case No. 587 of 2019 dated 02.12.2019, instituted under Sections 8/15/17/18/20/25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as the 'Act').

3. The allegation against the petitioner is that from his poultry farm, upon search, 48 kgs. of *doda* powder (made out of poppy) was recovered.

4. Learned counsel for the petitioner submitted that recovery was not from the conscious possession of the petitioner



and he was not aware as to who had kept the recovered article there.

5. Learned APP submitted that the article recovered is banned under the Act and the same being recovered from the poultry farm of the petitioner, he cannot take defence that he was unaware or is innocent as the same has to be proved during trial but for the present, there is a strong presumption of the involvement of the petitioner. It was further submitted that the petitioner has another case against him for illegal storage of mines and minerals.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	
U	
T	

