

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38496 of 2020
Arising out of P.S. Case No. 449, year- 2020, Thana Digha, District Patna

Pankaj Choudhary, Male, aged about 30 years, S/O Sita Ram Choudhary, R/O Mohalla Gate No. 93 Digha, P.S. Digha, District Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opp. Party/s

Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Yadav, Adv.

For the Opp. Party/s : Mr. Anand Mohan Prasad Mehta, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 01-06-2021

The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Mr. Anand Mohan Prasad Mehta, the learned APP appearing for the State.

The petitioner apprehends his arrest in connection with Special Case No. 132 of 2020 arising out of Digha P.S. Case No. 449 of 2020 for the offence punishable under Sections 20 and 22 of N.D.P.S. Act.

The allegation is regarding recovery of 20 grams of brown sugar from underneath a Peepal tree, situated inside Gate No. 93 at Digha and it is alleged that the bag from which



the aforesaid 20 grams of brown sugar was recovered, had been thrown by the petitioner.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner has further submitted that although the FIR has been lodged on 24.08.2020, however, the same has been seen by the learned Magistrate only on 4.9.2020, hence there is considerable delay, which entitles the petitioner for grant of anticipatory bail. It is further submitted that it is not clear as to whether the article seized was brown sugar or not and moreover, the petitioner has not been arrested from the spot.

Per contra, the learned APP for the State, Shri Anand Mohan Prasad Mehta, has vehemently opposed the prayer for anticipatory bail and has submitted that the quantity of brown sugar recovered from the alleged place of occurrence is much more than the small quantity prescribed in schedule to the N.D.P.S. Act, 1985. It is also submitted that there are ample materials on record to suggest the complicity of the petitioner in the present case and the instant case is at least not a case for grant of anticipatory bail.

Having regard to the facts and circumstances of the case and



submissions made by the Ld.

Counsel for the parties as also taking into account the materials available on record, this Court finds that the complicity of the petitioner is writ large from the records and moreover, the narcotic substance i.e brown sugar, which has been recovered is much more than the small quantity, as defined in the schedule to the N.D.P.S. Act, 1985, which definitely disentitles the petitioner from grant of the privilege of anticipatory bail, hence the present petition stands dismissed.

(Mohit Kumar Shah, J)

Tiwary/-

