

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6228 of 2022

Arising Out of PS. Case No.-140 Year-2021 Thana- GAIGHAT District- Muzaffarpur

Awdhesh Rai, S/O Shiv Ratan Rai R/O Village- Bharatnagar, P.S.- Gaighat,
District- Muzaffarpur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhusudan Kumar

For the Opposite Party/s : Mr. Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections 8,
20 and 22 of the N.D.P.S. Act.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the allegation is
of recovery of 03 kg. of Ganja from the house of the petitioner,
who managed to flee, but was identified by the Chaukidar and
the local people.

The learned counsel for the petitioner submits that the
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession. It is next submitted
that the house from which, it is alleged that the ganja was



recovered, the same is a joint family property, in which the petitioner is living jointly with his father, brother and uncle. It is further submitted that it absolutely does not stand to reason that as to why the police while instituting the F.I.R. did not implicate the other family members of the petitioner as an accused in the F.I.R., when it is alleged that the alleged recovery is from the house of the petitioner.

The learned counsel next submits that petitioner came to be implicated in the present case at the instance of Hari Nath Rai.

Learned A.P.P. opposes the bail application and submits that there is a direct allegation in the F.I.R. of recovery of ganja and Section 37 of the N.D.P.S. Act bars anticipatory bail application, the Court is not inclined to enlarge the petitioner on bail.

Accordingly, instant petition stands rejected.

(Satyavrat Verma, J)

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