

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6292 of 2022

Arising Out of PS. Case No.-72 Year-2021 Thana- INDUSTRIAL District- Bhagalpur

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ROHIT KUMAR YADAV S/o- RAJ KUMAR YADAV Resident of Village
and P.S.- Bihpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate
For the Opposite Party/s : Mr. Dilip Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-07-2022 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

Learned counsel for the petitioner undertakes to
remove the defects within four weeks of resumption of
normal court proceedings. In the eventuality of non-removal
of defects within stipulated period, office will place the
matter before the Bench.

The petitioner apprehends his arrest in connection
with a case registered for the offence punishable under
Section 8, 20(b)II(c), 22 of N.D.P.S. Act.

900 gms. of Ganja is said to have been recovered
from an Apache motorcycle and petitioner managed to



escape from the place of occurrence.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. The petitioner is falsely been implicated in this case. No incriminating article has been recovered from the conscious physical possession of the petitioner. It is submitted that during investigation on enquiry from D.T.O., Bhagalpur Investigating Officer (I.O.) came to know that one Bhairo Poddar s/o Jadish Poddar of Village Bhabhangama, P.S. Bihpur, District-Bhagalpur is the registered owner of said Apache motorcycle. Upon such information police interrogated Bhairo Poddar who disclosed that he had already sold the said Apache motorcycle to one Rohit Kumar Yadav (this Petitioner) on 20.04.2016 and to this effect said Bhairo Yadav produced a Sale Agreement. This fact has come in paragraph No.29 of the case diary. It is submitted that on the basis of the aforesaid disclosure made by said Bhairo Poddar petitioner has been made accused in the present case. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.



Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, the matter is related to NDPS Act, as I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is rejected.

This application is accordingly dismissed.

(Anjani Kumar Sharan, J)

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