

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13969 of 2022**

Arising Out of PS. Case No.-55 Year-2019 Thana- PHULWARIA District- Begusarai

SARWAN KUMAR @ SHARWAN KUMAR @ SHARVAN KUMAR S/o
Late Bino Yadav @ Vino Yadav Resident of village - Sitarampur, P.S. -
Matihani, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 03-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 820(b)(ii)
(B)(22) of the N.D.P.S. Act.

Learned counsel for the petitioner submits that the
petitioner has antecedent of one case under the Excise Act and
the informant alleges that while conducting raid he recovered 55
Kg of Ganja kept in 27 packets in a vehicle, accordingly the
local Magistrate was informed and from the van the documents
of this petitioner and other co-accused were found.

Learned counsel for the petitioner submits that
petitioner has been falsely implicated in the present case, it is



next submitted that petitioner was not found at the place of occurrence and his name transpired based on suspicion.

Learned APP for the State opposes the prayer for anticipatory bail application and submits that the impugned order itself records that the vehicle from which the alleged recovery was made is registered in the name of the petitioner and as such for the present the presumption is against him and rigors of Section 37 of the N.D.P.S. Act.

Considering the submission made by the learned APP for the State, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

(Satyavrat Verma, J)

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