

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24553 of 2022

Arising Out of PS. Case No.-526 Year-2021 Thana- JAGDISHPUR District- Bhojpur

1. SHIV GOPAL @ SHIV GOPAL KUMAR Son of Dindayal Chaudhary Resident of Village - Raje Ke Pokhara, Ward No.- 3, P.S.- Jagdishpur, District - Bhojpur.
2. Binod Chaudhary @ Binod Kumar Son of Ahir Chaudhary Resident of Village - Raje Ke Pokhara, Ward No.- 3, P.S.- Jagdishpur, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Prasad, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 30-08-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners 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 petitioners apprehend their arrest in a case registered for the offence punishable u/s 21(a), 21(b) of N.D.P.S. Act.

Allegedly, 11.36 gm of contraband *Heroin* is said to have been recovered from the possession of one Akhtar Khan, who disclosed that the same was given to him by petitioners for sell.

It is submitted by learned counsel for the petitioners that



petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case merely on suspicion. No such occurrence, in the manner as alleged, has ever taken place. Petitioners have neither been apprehended on the spot nor any incriminating article has been recovered from their conscious physical possession. Their name transpired in this case on the confessional statement of the apprehended co-accused. Petitioners have no concern either with the seized contraband article nor they are involved in any trade of such articles. Petitioner no.1 has no criminal antecedent while petitioner no.2 has one criminal antecedent.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, since the name of petitioners came on the confessional statement of apprehended co-accused for an offence committed under the N.D.P.S. Act, I am not inclined to enlarge them on anticipatory bail. Prayer for bail on their behalf is rejected.

Accordingly, this application is hereby dismissed.

(Anjani Kumar Sharan, J)

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