

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.27586 of 2022**

Arising Out of PS. Case No.-56 Year-2022 Thana- DEEPNAGAR District- Nalanda

BIRENDRA KUMAR SINGH Son of Damodar Singh Resident of Village -  
Narhi, P.s.- Chandi, Distt.- Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Nityanand

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      03-08-2022                      Heard learned counsel for the petitioner and learned  
APP for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Deep Nagar P.S. Case no. 56 of 2022 instituted for the offence punishable under Sections 20 and 22 of the NDPS Act.

Prosecution case relates to recovery of nine sachet of Ganja, weighing 56 gram, from the belt of the petitioner.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed on offence. Petitioner is upper jail guard and he is at the verge of retirement. He has been dragged in this case due to his dispute with Jail Superintendent and warder. He has got no criminal antecedent. Recovery has been made from his belt, still he was



not apprehended on spot, which creates doubt in prosecution story.

Learned APP appearing for the State has opposed the prayer of bail.

Having heard learned counsel for the parties and taking into consideration that alleged recovery has been made from the petitioner's belt , I am not inclined to grant bail to him and, as such, his application for anticipatory bail is rejected.

However, if the petitioner surrenders and prays for regular bail, the same may be considered by the court below on its own merit without being prejudiced by this order of rejection.

**(Sunil Kumar Panwar, J)**

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