

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44335 of 2022

Arising Out of PS. Case No.-381 Year-2022 Thana- DIGHA District- Patna

1. MANNU KUMAR Son of Baliram Rai Resident of Village - Ramjee Chak, Yadav Gali, P.s.- Digha, Distt.- Patna.
2. BILLA @ BIRENDRA RAI @ BIRENDRA KUMAR @ BILLA Son of Baliram Rai Resident of Village - Ramjee Chak, Yadav Gali, P.s.- Digha, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhauri Kamal Kishore Sahay
For the Opposite Party/s : Mr.Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 12-12-2022 At the outset, learned counsel for the petitioners seeks permission to withdraw this application against petitioner no. 2.

Permission is accorded.

This application stands dismissed as withdrawn only against petitioner no. 2.

so far as petitioner no. 1 is concerned, the instant application for anticipatory bail has been filed by the petitioner no. 1 apprehending his arrest in connection with NDPS Case No. 122 of 2022 arising out of Digha P.S. Case no. 381 of 2022 instituted for the offence punishable under Section 8(c)/20/22 of N.D.P.S. Act and 25(1-b)a, 26 and 35 of the Arms Act.

As per allegation in the FIR, from the house of accused persons six bullet cartridges, two live bullet cartridges and 25



sachet of brown sugar were recovered.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has been falsely implicated in this case. Seizure list does not bear signature of any independent witness, which creates doubt in authenticity of the fact. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious and constructive possession.

Learned APP appearing for the State has opposed the prayer of bail and submitted that petitioner is having two criminal antecedents.

Having heard learned counsel for the parties and taking into consideration that petitioner is a habitual offender and several arms were recovered from his house, I am not inclined to grant bail to the petitioner no. 1 and, as such, his application for 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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