

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61705 of 2021**

Arising Out of PS. Case No.-286 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

SONU KUMAR S/o MOTILAL SAHNI R/o VILLAGE-KAKRA CHAK,
P.S-BOCHAHAN, DISTRICT-MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok
For the Opposite Party/s: Mr. Anita Kumari Singh

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

2 08-06-2022

Heard learned counsel for the parties.

Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

The petitioner seeks anticipatory bail in connection with Ahiyapur Case No. 286/21 and NDPS Case No. 38/21, registered for the offences under Sections 20/22 of NDPS Act and 25 (1-b)a/26/35 of Arms Act.

The main allegation is that three co-accused persons were arrested with two Motor Cycles and from their possession Narcotic material purported to be Ganja, a country made pistol were recovered and this petitioner is alleged to be a companion of the said co-accused persons, who managed to escape at the time of arresting of co-accused persons.

The main submissions advanced by learned counsel for



the petitioner are that this petitioner was not arrested at the spot, his name has surfaced in confessional statement of co-accused persons having no value in the eye of law. There is no legal evidence against the petitioner.

Learned Additional Public Prosecutor opposes the prayer of bail.

Having considered the recovery of narcotic material like Ganja and one loaded country made pistol from the possession of co-accused persons and present petitioner is alleged to be an associate of the co-accused persons and as per prosecution he managed to escape at the time of arresting of co-accused persons and the case is under investigation, in my view, at this stage, petitioner does not deserve anticipatory bail, accordingly his prayer stands rejected.

Petitioner is directed to surrender before the Court below, if he surrenders within 20 days, then the learned Court below will decide his regular bail prayer without being prejudiced with this order.

(Shailendra Singh, J)

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