

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63818 of 2021**

Arising Out of PS. Case No.-435 Year-2021 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

=====

LALIT KUMAR @ LALIT KUMAR SINGH Son of Late Jamun Singh
Resident of Village- Bhagwanopur (Prabhat Nagar), P.S.- Sadar, District-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Ms. Vaishnavi Singh, Advocate
	:	Mr. Udbhav, Advocate
For the Opposite Party/s	:	Mr. Anand Kishore Choudhary, APP

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Sadar P.S. Case No. 435 of 2021 registered for the offences
punishable under Sections 8(c) and 21(b) of the N.D.P.S. Act
read with Section 28 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner was earlier made an accused in a case but he was
acquitted based on compromise between the parties and the
informant alleges that on 28.06.2021 at 5:30 PM, he received a
secret information that petitioner, a retired army officer along
with his family is selling smack from their house, accordingly the
informant reached at the place of occurrence and apprehended
co-accused Himanshu who disclosed the name of petitioner and



other named accused persons. Based on the confessional statement of Himanshu 29 pouch of smack i.e., 33.640 grams along with one pistol and 45 pellets were recovered from the house of the petitioner.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, he was not apprehended from the place of occurrence as such it cannot be alleged that the narcotics were recovered from his conscious possession. It is next submitted that the mere fact that the house belongs to the petitioner is not a ground for construing that even the petitioner was aware that the smack was kept in his house. Learned counsel submits that in a case an accused who was convicted based on recovery of narcotics from his house was finally acquitted by the Superior Court on the ground that mere ownership of the house will not be construed as being in constructive possession.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that petitioner is an army officer and the conduct of petitioner is such that it appears that persons like him instead of protecting the country would sell the country, it is next submitted that whatever has been submitted by the learned counsel for the petitioner appears to be attractive on the face of it but it is fit to be rejected as it is not a case where



petitioner is being convicted but is only at the stage of anticipatory bail. It is next submitted that it also appears that this petitioner is a hardened criminal that is why he got acquittal based on compromise and it seems that the petitioner must have threatened the informant to enter into a compromise as his conduct also shows that he is a person who is not interested in the security and safety of the country rather his mere interest is in earning through illegal means and that too by narcotics which has the effect of destroying generations.

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

His prayer for anticipatory bail is thus rejected.

The Court absolutely does not stand to reason that how come the petitioner till date is absconding and has not been arrested by the police.

Let this order be communicated to the S.S.P., Muzzafarpur.

(Satyavrat Verma, J)

Rishi/-

U		T	
---	--	---	--

