

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64927 of 2021

Arising Out of PS. Case No.-134 Year-2021 Thana- JOGBANI District- Araria

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RANJEET KUMAR MANDAL S/O SURENDRA MANDAL R/o village-
Tikuliya Basti, Ward No. 09, P.S.- Jogbani, District- Araria, Presently
Residing at Ward No. 12, Koshi Project, Virat Nagar, P.O. and P.S.- Rani,
District- Morang, Nepal

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 31-08-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 20, 21, 22 and 23 of the N.D.P.S. Act read with Sections 25(1-b)a, 26 and 35 of the Arms Act and Sections 27(v)(ii), 28 and 36 of the Drugs and Cosmetics Act.

Learned counsel for the petitioner submits that the petitioner has antecedent of one case and the informant alleges that on secret information, he reached the place of occurrence and on seeing the police, two accused started fleeing after throwing a packet, it is next alleged that one of the accused was apprehended who disclosed his name as Sanjit and that of his



brother who escaped, as the petitioner, it is further alleged that from Sanjit, arms and intoxicating injections were recovered as detailed in the F.I.R. and from the plastic which was thrown, 57 grams ganja was recovered.

Learned counsel for the petitioner submits that petitioner was not arrested from the spot as such nothing was recovered from his conscious possession, it is next submitted that petitioner came to be falsely implicated by the police when he is staying out of Bihar for the last eight years. Learned counsel further submits that even presuming what has been alleged in the F.I.R. is true without admitting then also nothing was recovered from the conscious possession of the petitioner, it is next submitted that the alleged recovery of *ganja* is ornamental only to give a serious color to the case when admittedly the recovery is much less than small quantity.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that petitioner has not approached this Court with clean hands, it is next submitted that petitioner has disclosed in the anticipatory bail application and in the supplementary affidavit that he has antecedent of one case but petitioner has antecedent of three cases as it has come in paragraph '67' of the case diary.



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.

(Satyavrat Verma, J)

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