

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14502 of 2023

Arising Out of PS. Case No.-118 Year-2022 Thana- PIRPAINTI District- Bhagalpur

1. MD.FIROJ S/O Sekh Rustam R/O Village- Govindpur, P.S- Pirpainti, District- Bhagalpur
2. Md. Manovar S/O Md. Zahir R/O Village- Govindpur, P.S- Pirpainti, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyendra Narayan Singh

For the Opposite Party/s : Mr. Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 19-05-2023 Heard learned counsel for the petitioner as well as learned APP for the State.

Earlier, vide order dated 01.05.2023, the bail application of the petitioner namely, Md. Firoj was dismissed as withdrawn as he has already been apprehended by the police.

Now, this application is being heard with regard to the petitioner no.2 only.

The petitioner apprehends his arrest in connection with Pirpainty P.S. Case No.118 of 2022, registered for the offence punishable under Sections 8, 20(B) (ii) (c), 22 of N.D.P.S Act.

As per the FIR, 10 bags of Ganja total weight 83 kg was recovered from village Govindpur at Banshbitta. Petitioner's



name transpired in the present case on the basis of secret information.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and have committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Nothing has been recovered from the house of the petitioner or from the house of the petitioner. Petitioner has no concern with the alleged recovery. He has been made accused in the present case only on the basis of secret information. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

Learned APP for the State opposed the prayer for anticipatory bail and submits that the petitioner is also involved in the present case.

Having regard to the facts and circumstances of the case as well as considering the nature of offence, I am not inclined to enlarge the petitioner no.2 on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

However, if the petitioner no.2 surrenders before the learned Court below within a period of six weeks from today



and seek for regular bail, the learned Court below shall pass the order on the same day, in accordance with law, considering the fact that there is no recovery from the conscious possession of the petitioner.

This application is accordingly dismissed.

(Anjani Kumar Sharan, J)

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