

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19277 of 2023

Arising Out of PS. Case No.-372 Year-2022 Thana- RANIGANJ District- Araria

Chandan Singh @ Chandan Kumar Singh Son Of Umakant Singh Village-
Khuthara Ps- Kursakanta Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha

For the Opposite Party/s : Mr.Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 21-12-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 20, 22 of the N.D.P.S. Act.

3. As per FIR, 40.236 kg contraband Ganja has been recovered from the place of occurrence. Accordingly, the seizure list was prepared.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He submits that the petitioner has been made accused in this case on the basis of the confessional statement of co-accused. He submits that no contraband ganja has been recovered either from the possession or from the house of the petitioner. He further submits that petitioner has no criminal



antecedent as stated in para-3 of this application.

5. Learned APP for the State opposing the prayer for bail submits that the petitioner was also involved in the present case. He also relied upon the judgment of the Apex Court in the case of **Indresh Kumar Vs. The State of UP & Anr. (Criminal Appeal No. 938 of 2022)**, whereby the Court has held that ‘Statements under Section 161 of Cr.P.C. may not be admissible in evidence, but are relevant in considering the prima facie case against an accused in an application for grant of bail in case of grave offence’.

6. Considering the nature of offence, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer for anticipatory bail is rejected in connection with Raniganj P.S. Case No. 372 of 2022.

(Anjani Kumar Sharan, J)

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