

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28206 of 2023

Arising Out of PS. Case No.-56 Year-2023 Thana- SIMRI District- Buxar

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KAMLESH YADAV SON OF NANDJI YADAV RESIDENT OF VILLAGE
RAMPUR MATHIYA POLICE STATION SIMARI DIST BUXAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radha Krishna

For the Opposite Party/s : Mr. Nawal Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 19-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Simari Police Station Case No. 56 of 2023, disclosing offence under Sections 8/20(B)(ii)/22 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

The prosecution case, as per the First Information Report, is that on 18.02.2023 at about 09:15 AM, the police, on the basis of secret information that the petitioner used to sell ganja in his sweet shop, arrived at he shop of the petitioner and on seeing police party, the person present in the shop, fled away and on search of the shop 15.150 kgs. ganja was recovered, which was kept in a plastic sack in the shop of the petitioner.

Learned Counsel for the petitioner submits that the



petitioner has falsely been implicate in this case inasmuch at the time of search and seizure, the petitioner was not present in his shop had gone to attend a marriage function and the shop was closed. He next submits that ganja has not been recovered from the possession of the petitioner and his name has transpired on the basis of statement made by the chowkidar, who is neighbour of the petitioner and there is a previous enmity between them. He further submits that the quantity of recovered ganja is less than the commercial quantity.

After having heard learned Counsel for the parties concerned and taking into consideration the fact that total quantity of 15.150 kgs of ganja has been recovered from the shop, which is owned and run by the petitioner and recovered contraband (ganja) is much more than the small quantity, as the small quantity is only one kilogram, accordingly, I am not inclined to grant the petitioner the privilege of anticipatory bail.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J)

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