

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30048 of 2023

Arising Out of PS. Case No.-112 Year-2021 Thana- ATHMALGOLA District- Patna

MANOJ ROY @ MANOJ RAY Son of Vindeshwar Ray @ Bendeshar Roy @
Vindeshwar Ray Resident of Village - Naya Tola, Sabnima, P.S.- Athmalgola,
District - Patna (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prince Kumar Mishra, Advocate
Mr. Vikash Kumar Jha, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with Special Case No.222 of 2021/Supplementary Record of Special case No.58 of 2021, arising out of Athmalgola P.S. Case No.112/2021 dated 09.06.2021 registered for the offences punishable under Section 20 (b) (ii) (b)/22 of Narcotic Drugs & Psychotropic Substances Act of the Indian Penal Code pending in the Court of learned Sessions Judge/Special Judge, Patna.

This is the second attempt of the petitioner to approach before this Court for anticipatory bail. Earlier, vide detailed order dated 03.08.2022 passed in Cr. Misc. No. 12258 of 2022, the prayer for anticipatory bail of the petitioner was



rejected.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. It is further submitted that the police has recovered the *Ganja* from a tea shop but the owner of the tea shop is not made accused in this case. It is further submitted that there is delay of six days in lodging the F.I.R. without assigning any plausible and cogent reason for the said delay, which creates serious doubt about the prosecution case. There is violation of Section 100 Cr.P.C. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State vehemently opposing the bail petition submitted that as the petitioner was found to be involved in selling of contraband, he does not deserve privilege of anticipatory bail.

Considering the facts and circumstances of case as well as the fact that earlier the prayer for anticipatory bail was rejected by this Court, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is once again rejected.



However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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