

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28769 of 2023

Arising Out of PS. Case No.-301 Year-2019 Thana- PHULWARISHARIF District- Patna

SAHNAWAZ @ SONU @ MD. SAHNAWAZ @ SAINU S/O LATE
BAGDAD MIAN R/O Mohalla- Chauraha Gali (Chauraha Masjid Gali), P.S-
Phulwari Sharif, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesk Kumar

For the Opposite Party/s : Mr.Bharat Bhushan, App,156

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 25-07-2023 1. Heard learned counsel for the petitioner and learned
APP for the State.
2. The petitioner seeks bail in anticipation of his arrest
in a case registered for the offences punishable under Section
401/414 of the Indian Penal Code and Section 20/22 of the
NDPS Act.
3. The learned counsel for the petitioner submits that
the petitioner has antecedent of five cases and the informant
alleges that Md. Mahtab and Md. Sabir @ Shakil were
apprehended, further from Md. Mahtab, 200 gram of *Ganza* was
recovered while other accused person fled away from the place
of occurrence. It is next alleged that Md. Mahtab and Md. Sabir
disclosed the name of the petitioner.



4. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is next submitted that he was not even present at the place and he came to be implicated at the instance of the police because of his antecedent. Though petitioner has no antecedent under the N.D.P.S. Act. It is next submitted that confessional statement in police custody does not have any evidentiary value. It is next submitted that the petitioner will not abscond rather will cooperate in the investigation and present himself as and when required by the Investigating officer for eliciting the truth and for proving his innocence. It is next submitted that one similarly situated co-accused, Raja Mallik, has been granted anticipatory bail by this Court vide order dated 21.12.2021 passed in Cr. Misc. No.68263 of 2021 by coordinate Bench of this Court.

5. Learned A.P.P. opposes the bail application and submits that petitioner have antecedent of five cases and Raja Malik who was granted anticipatory bail appears to be a person with clean antecedent as the order does not record about any antecedent. On query of the Court, the learned counsel for the petitioner submits that he does not have any instruction about the criminal antecedent of Raja Malik.



6. Consideration the submissions made by learned A.P.P. and the fact that the petitioner has antecedent of five cases, the Court is not inclined to grant the privilege of anticipatory bail to the petitioner. Therefore, the prayer of anticipatory bail to the petitioner is hereby rejected.

(Satyavrat Verma, J)

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