

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36703 of 2023

Arising Out of PS. Case No.-133 Year-2023 Thana- SONEPUR District- Saran

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UMESH SINGH @ DOMAN SINGH S/O LATE NANDU SINGH R/O
Village- Nawalakha Mandir, More, P.S- Sonepur, Distt.- Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Ajay Kr Singh No.1, Advocate
For the State : Mr. Aditya Narayan Singh.1, APP

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CORAM: HONOURABLE MR. JUSTICE VIPUL M. PANCHOLI
ORAL ORDER

2 31-07-2023 This application is filed under Section 438 of Code of Criminal Procedure, 1973 for enlarging the applicant on anticipatory bail in connection with Sonepur P.S. Case No.133 of 2023, registered for the offences punishable under Sections 8/20(b)(ii)(A) of the N.D.P.S. Act.

2. Heard Mr. Ajay Kumar Singh No.1, learned advocate for the applicant and Mr. Aditya Narayan Singh1, learned APP for respondent-State.

3. Learned advocate for the applicant has mainly contended after referring to the FIR in question that applicant has been falsely implicated as the son of the applicant has filed FIR against one Dinesh Singh, copy of the said FIR is placed on record at Annexure-2. It is further submitted that though the applicant was not present in the shop, the so called recovery was



made from the shop of the applicant. It is also contended that 105 gms. of *Ganja* was found from the shop of the applicant which is below the commercial quantity. Learned counsel, therefore, urged that this Court may exercise the discretion in favour of the applicant and thereby the application be enlarged on anticipatory bail.

4. On the other hand, learned APP for the respondent-State has vehemently opposed this application. It is submitted that specific allegations are levelled against the applicant in the FIR in question. It is further submitted that 105 gms. of *Ganja* was found from the shop of the applicant and, therefore, there is a *prima facie* case made out against the applicant. It is also contended that three other FIRs are filed against the applicant. Learned APP, therefore, urged that this application be dismissed.

5. I have considered the submissions canvassed by learned counsel appearing for the parties. I also perused the materials placed on records and the allegations levelled against the applicant in the FIR in question. It is specifically alleged that 105 gms. of *Ganja* was found from the shop of the applicant thus, serious allegations are levelled against the applicant in the FIR itself. *Prima facie* case is made out by the prosecution and, therefore, I am not inclined to exercise discretion in favour of



the applicant. At this stage, it is also pertinent to note that while dismissing the application filed by the applicant, the concerned Sessions Court has specifically referred about the three other cases registered against the applicant. Thus, when the applicant is having antecedent, I am not inclined to entertain the present application.

6. Accordingly, this application is dismissed.

(Vipul M. Pancholi, J.)

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