

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38216 of 2023

Arising Out of PS. Case No.-168 Year-2023 Thana- KUMAR KHAND District- Madhepura

ANSHUMAN RAJ @ AVINASH KUMAR Son of Shanker Prasad Yadav
Resident of village - Sihpur Chakla Ward No. 04, P.S. - Kumarkhand, Distt. -
Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate

For the Opposite Party/s : Mr.Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 28-07-2023 1. Heard the learned counsel for the petitioner and the learned A.P.P. for the State.
2. This is an application for grant of anticipatory bail in connection with Kumarkhand P.S. Case No. 168 of 2023, registered for the offence punishable under Section 21C of the N.D.P.S. Act.
3. The allegation is regarding recovery of 1.800 grams of smack from a motorcycle and it is alleged that the petitioner and one co-accused person namely, Hari Om Kumar had abandoned the motorcycle at the alleged place of occurrence and had fled away, upon seeing the police.



4. The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and is having a clean antecedent. It is further submitted, by referring to paragraph no. 12 of the present petition, that the motorcycle in question does not belong to the petitioner, hence it is submitted that the petitioner is not having any complicity in the matter.

5. Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties, taking into account the materials on record as also considering the fact that neither smack has been recovered from the conscious possession of the petitioner nor the motorcycle in question belongs to him, apart from the fact that the quantity of smack recovered by the police is much less than the small quantity defined in the Schedule notified under the



provisions of the NDPS Act, 1985, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail.

7. Accordingly, the above named petitioner, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge, Madhepura in connection with Kumarkhand P.S. Case No. 168 of 2023, subject to the conditions laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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