

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46784 of 2023

Arising Out of PS. Case No.-391 Year-2023 Thana- BHABHUA District- Kaimur (Bhabua)

Amjad Khan @ Sonu Khan Son Of Aslam Khan @ Laddan Khan Village
Sarewan, Ps- Bhabua, Dist- Kaimur At Bhabua. At Present Near Of Bijli
Colony, Ward No. 1, Bhabua, Ps- Bhabua, Dist- Kaimur At Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parwej Khan

For the Opposite Party/s : Mr. Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 19-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Bhabua P.S.
Case No. 391 of 2023 registered for the offences punishable
under Sections 8(c), 20(a)(i)(B) & 29 of the N.D.P.S. Act,
pending in the Court of learned Sessions Judge, Kaimur at
Bhabua.

3. As alleged, the police getting secret information
conducted a raid and recovered 19 green plants of cannabis
planted by the petitioner within his boundary wall.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in this
case. The allegation levelled against the petitioner is not
specific rather general and omnibus in nature. He submits that
the place of occurrence is undivided property, which is laying



in the name of grandfather of the petitioner, namely, Masu Khan. He further submits that there is no compliance of Section 42 of the N.D.P.S. Act. He also submits that the petitioner has been made accused in this case merely on the basis of suspicion. The petitioner has got two criminal antecedents as mentioned in para-3 of the bail application.

5. Learned APP for the State vehemently opposing the bail petition submitted that the

6. Considering the facts and circumstances of case and the nature of the offence, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby 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 on the same day in accordance with law without being prejudiced by this order, considering the fact that the said land is a joint family property and only on the basis of suspicion the petitioner has been made accused in the present case.

(Anjani Kumar Sharan, J)

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