

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47491 of 2023

Arising Out of PS. Case No.-362 Year-2020 Thana- BIHIA District- Bhojpur

TUNTUN NAT @ TUNTUN NUT Son of Idris Nat @ Indrish Nat Resident
of village - Teghara Baal Par, P.S. - Behiya (Bihiya), Distt. - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar, Advocate

For the Opposite Party/s : Mr. Jiotendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-08-2023 Heard Mr. Diwakar, learned counsel for the
petitioner and the State.

The petitioner is apprehending his arrest in connection with Bihiya P.S. Case No. 362 of 2020 for the offence under sections 20(B) (ii) (C), 21(a), 22, 25 and 27 (a) of the NDPS Act, 1985 lodged on 23.09.2020 by the informant, Dilip Kumar Nirila.

As per the prosecution story, upon secret information that Indrish Nat is selling 'heroine' with the help of his son, Tuntun Nat (the petitioner herein) and Afimchi Nat, raided the house and 2.940 gm of 'heroine' like substance and Rs. 5,57,200/- was/were recovered/seized. Beside Indrish Nat, from the pocket of one Indrajeet Yadav, 1.080 gm of 'heroine' like substance was recovered and the total recovery/seizure has been



shown to be 4.020 gm of 'heroine' and Rs. 5,57,200/-.

Accordingly, the F.I.R.

Learned counsel for the petitioner submits that the main allegation is against Indrish Yadav, house belongs to him, the petitioner being his son and has been falsely implicated in this case.

It is his categorical statement that contrary to the allegations/findings, the petitioner do not have criminal antecedent.

Learned APP, Mr. Jitendra Kumar Singh, on the other hand, submits that from the F.I.R., it is clear that all the three, father and two sons were indulged in selling of 'heroine' and upon raid, altogether 4.020 gm of heroine has been recovered/seized.

It is his further submission that the petitioner's father took the route of bail while his brother, Afimchi Nat moved in anticipatory bail vide Cr. Misc. No. 57596 of 2022 which was rejected on 08.04.2022.

Although there is allegation, the house belongs to Indrish Nat, as per the learned counsel for the petitioner, he do not have criminal antecedent, considering the fact that similar situate Afimchi Nat has been denied anticipatory bail and



further, the petitioner has delayed in approaching the Court i.e. the F.I.R. is of 2020 whereas he has approached this Court only in the month of July, 2023, though he has a good case for bail. so far as anticipatory bail is concerned, the same is rejected.

If the petitioner approaches the Court concerned within four weeks from today, the same shall be taken up and an appropriate order shall be passed on the same day.

(Rajiv Roy, J)

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