

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48166 of 2023

Arising Out of PS. Case No.-07 Year-2019 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- Patna

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Sonelal Ray Son Of Nasle Lal Ray R/O-Jagdishpur, P.S.-RAGHOPUR, Distt.-
VAISHALI

... .. Petitioner/s

Versus

The Union Of India Through Intelligence Officer, Narcotics Control Bureau,
Patna Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Soni Kumari, Adv.
For the Opposite Party/s : Mr. Dr. Krishna Nandan Singh (A.S.G)
Ms. Renuka Sharma, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 06-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State and learned counsel for the Union of India.

2. The petitioner apprehends his arrest in Special
31(A)/2019 (arising out of NCB/PZU/V/07/2019) registered for
the offences punishable under Sections 8/20/29 of the NDPS
Act, 1985 pending in the Court of learned Addl. District &
Sessions Judge XVIIIth, Patna.

3. As per the prosecution case, it is alleged that 750
Kg of Ganja was recovered from a truck. Dinesh Kumar Yadav
was driving the said truck and Raj Kumar Ray was sitting in
the truck.

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 petitioner was not sitting in the truck nor he was driving the truck. He further submits that the petitioner is not named in the F.I.R., the name of the petitioner has been transpired merely on the basis of confessional statement of co-accused Dinesh Kumar Yadav and Raj Kumar Ray. The petitioner has got no criminal antecedent as mentioned in para-3 of the bail application.

5. Learned APP for the State and learned counsel for the Union of India opposed the prayer for anticipatory bail and submitted that specific overt act has been attributed against the petitioner. Hence, he does not deserve privilege of anticipatory bail.

6. Considering the facts and circumstances of case, 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 no contraband article has been recovered from the conscious possession of the petitioner.

(Anjani Kumar Sharan, J)

anand/-

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