

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54394 of 2023

Arising Out of PS. Case No.-43 Year-2023 Thana- MOUZAHDIPUR District- Bhagalpur

Nirmal Sah @ Nirmal Kumar S/O Sukru Sah R/O Village- Aliganj Gaghi,
P.S- Babarganj, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Adv.
For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 23-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 21(b), 22(b), 25 of the N.D.P.S. Act.

3. As per the prosecution case, the total recovery of 10.36 gm brown sugar has alleged to be made from the apprehended co-accused, namely, Govind Sah and Deepak Kumar Sah, who disclosed the name of the petitioner in this case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that the name of the petitioner has figured in this case by virtue of the disclosure made by the co-accused, due to bad village politics. Counsel submits that the petitioner has neither

been apprehended from the place of occurrence nor anything has been recovered from his possession.

5. Learned A.P.P. for the State opposes the prayer for bail.

6. In the present facts and circumstances and the submissions made above, this Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with Mojahidpur (Babarganj) P.S. Case No. 43 of 2023, dated 29.01.2023 to the satisfaction of learned Sessions Judge, Bhagalpur.

7. Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

8. However, the learned Court below shall consider the prayer for regular bail of the petitioner preferably on the same day, if the petitioner surrenders within a period of six weeks.

9. The present order shall not cause any prejudice to the petitioner.

10. Accordingly, the present anticipatory bail application is hereby disposed of.

(Dr. Anshuman, J.)

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