

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56598 of 2023

Arising Out of PS. Case No.-179 Year-2022 Thana- BHAPTIAHI District- Supaul

Vinod Kumar Yadav @ Vinod Kumar S/O Krishandeo Yadav R/O Bhaptiyahi,
Ward No.-7, P.S.- Bhaptiyahi, Distt.- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ansul, Adv.
		Mr. Pramod Kumar Yadav, Adv.
For the Opposite Party/s	:	Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 15-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Bhaptiyahi P.S.
Case No. 179 of 2022 registered for the offences punishable under
Sections 8/20(c)(ii)A/21(c) of the NDPS Act, pending in the Court of
learned Sessions Judge, Supaul, District-Supaul.

3. The prosecution case, in short, is that, as per secret
information, a raid was conducted by the informant along with other
police party in the house of the petitioner and co-accused Amod
Kumar Yadav. During course of search total 114.8 kg 'Ganja' kept in
9 sack were recovered from the house of the petitioner and under the
straw, which was kept behind the house of the petitioner.

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 has



no concern with the alleged seized Ganja and he has been implicated in this case only on the basis of suspicion. He further submits that no contraband article has been recovered from conscious possession of the petitioner. The petitioner has got no criminal antecedent as mentioned in para-3 of the bail application.

5. Learned APP for the State opposes the prayer for anticipatory bail and submits 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 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.

7. 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 was recovered from conscious possession of the petitioner and the petitioner has no criminal antecedent.

(Anjani Kumar Sharan, J)

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