

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62680 of 2022

Arising Out of PS. Case No.-592 Year-2022 Thana- AHIYAPUR District- Muzaffarpur

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MUKESH UPADHAYA Son of Raj Mangal Upadhaya Resident Mohalla-
Baikunthpur, P.S- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha

For the Opposite Party/s : Mr. Rajendra Nath Jha

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 23-02-2023 Heard both sides.

The petitioner apprehends his arrest in connection with Ahiyapur P.S. Case No.592 of 2022, registered for the offences punishable under Sections 8(c)/21(c) of the N.D.P.S. Act.

Allegedly, 260 gms of smack besides other articles have been recovered from the house of the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner has got no criminal antecedent as stated in paragraph-3 of the bail application. It is further submitted that one person, namely, Vishal Kumar Pandey was apprehended by the police and the police recovered 50 gms. of smack from possession of Vishal



Kumar Pandey. The apprehended person, Vishal Kumar Pandey disclosed that he has purchased the said smack from the petitioner. Learned counsel for the petitioner further submits that the petitioner was not present at the alleged date and time of occurrence at Muzaffarpur (Annexure-2 of the bail application).

Learned APP for the State vehemently opposed the prayer for grant of anticipatory bail to the petitioner by submitting that 260 gms. of smack besides other articles were recovered from the house of the petitioner.

Considering the nature of offence, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for grant of anticipatory bail to the petitioner is hereby rejected.

(Anjani Kumar Sharan, J)

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