IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66612 of 2023

Arising Out of PS. Case No.-327 Year-2023 Thana- BUXAR District- Buxar

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MOHIT @ BHAIYA @ MOHIT KUMAR SON OF VINOD KUMAR UPDHYAY RESIDENT OF VILLAGE- VISHNUPUR GOLAMBAR, PS- MUFFASIL, DISTT- BUXAR

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Anuj Kumar
For the Opposite Party/s: Mr. Tarun Prasad Mandal

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 31-10-2023 Heard learned counsel appearing on behalf of the petitioner as well as learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Buxar (Town) P.S. Case No.327 of 2023, registered for the offence punishable under Sections 20(b), (ii) (B), 27(A) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. Allegedly, two persons were apprehended by the police and the police recovered 7.80 kg *ganja* like intoxicating substance and one mobile phone from their possession. The apprehended co-accused Ashish Kumar stated that the petitioner had delivered *ganja* to them for carrying the same from

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railway station to his house.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and have committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that there is no recovery from the conscious possession of the petitioner or his house. Petitioner has been made accused on the basis of confessional statement of apprehended co-accused. Petitioner has two criminal antecedent of similar nature of offence.

5. Learned APP for the State opposed the prayer for anticipatory bail.

6. Having regard to the facts and circumstances of the case as well as considering the nature of offence, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. This application is, accordingly, dismissed.

8. However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and seek for regular bail, the learned Court below shall pass the order on the same day, in accordance with law considering

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that no contraband article has been recovered from the possession of the petitioner.

(Anjani Kumar Sharan, J)

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