

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74831 of 2023

Arising Out of PS. Case No.-129 Year-2023 Thana- MEHSI District- East Champaran

NAND GOPAL SAH @ PAINTER Son of Rajendera Prasad Resident of
Village - Hindu Chakia, P.S.- Chakia, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Pankaj, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 8, 21(b), 22, 24, 27-A and 29 of the N.D.P.S. Act.

3. The police has intercepted on truck bearing Nepali registration near NH28 highway on a road going toward Bhutaha Phokhar (village-Chapra Gobind) from which 87 bottles x 100ml each of Onrex Cough Syrup and 10 packets of ganja weighting total 112 kgs. And two mobile phones from two persons namely, Prahlad Khugri and Meeran Gumba. It is further alleged that the said Meeran Gumba disclosed that one Chandeshwar Sad having mobile nos.9955016753 & +9779815292406 has directed to supply the said contraband substance to the bearers of mobile no. 7258978985 of P.S.



Mehsi and also to one 7488721306 i.e. the petitioner of P.S. Chakia.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that no any contraband article has been recovered from the house of the petitioner or from the conscious possession of the petitioner. He submits that Chakia comes prior to Mehsi while coming from Nepal but nothing was delivered at Chakia whereas the truck with the entire consignment of contraband was seized in Mehsi. He further submits that petitioner has got no criminal antecedent as stated in para-3 of the bail application.

5. Per contra, learned APP for the State vehemently opposing the bail application and submits that the allegation levelled as the petitioner is serious in nature. Hence, he does not deserve anticipatory bail.

6. Considering the nature of the offence, I am not inclined to enlarge the petitioner on bail in connection with Mehsi P.S. Case No. 129 of 2023. Accordingly, his prayer for anticipatory bail is hereby rejected.

7. However, if the petitioner surrenders before the learned Court below within a period of six weeks from today



and seeks regular bail, the learned Court below would pass the order, preferably, on the same day, without being prejudiced by this order considering this fact that petitioner has no criminal antecedent and no any contraband article has been recovered from the house of the petitioner or from the conscious possession of the petitioner.

(Anjani Kumar Sharan, J)

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