

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78550 of 2023

Arising Out of PS. Case No.-334 Year-2022 Thana- NADI P.S. District- Patna

NITISH KUMAR S/o BHULLA RAI @ GULL RAI R/o vill - Jethuli, P.S. -
Nadi, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 14-12-2023 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

2. The petitioner apprehends his arrest in Nadi P.S. Case No. 334 of 2022 registered for the offences punishable under Sections 8, 20, 22, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. Altogether 25.600 Kg *ganja* has been recovered near the house of co-accused Raju Kumar Rai, who was apprehended on the spot and disclosed the name of the petitioner and other co-accused.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. No contraband article has been recovered from the conscious physical possession of the petitioner rather the seized *ganja* has been



recovered at a place adjoining to the house of co-accused. Petitioner has no concern with the seized *ganja*. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. There is nothing on record to indicate the complicity of the petitioner barring the confessional statement of the apprehended person which has no evidentiary value in the eye of law. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

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

6. Considering the facts and circumstances of case as well as nature of the offence, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.

7. However, if the petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order considering the fact that no contraband article has been recovered from the house of petitioner.

(Anjani Kumar Sharan, J)

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