

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4057 of 2024

Arising Out of PS. Case No.-893 Year-2023 Thana- LAKHISARAI District- Lakhisarai

Kunwarjeet @ Kunwarjeet S/O Pawan Kumar Verma R/O Village- Pachna
Road, Sansar Pokhar, P.S- Kabaiya, Distt.- Lakhisarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabi Bhushan

For the Opposite Party/s : Mr. Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 18-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Lakhisarai
(Kabaiya) P.S. Case No. 893 of 2023 registered for the offences
punishable under Sections 8(c), 21(a) of the N.D.P.S. Act.

3. As per the prosecution case, the police
apprehended one Rahul Kumar from whom six sachets of brown
sugar were recovered.

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
no incriminating article has been recovered from his possession
rather the only material against the petitioner is that his name
was disclosed by co-accused, Rahul Kumar, who was found to



have possessed the brown sugar. He further submits that the police has not taken the weight of the contraband article. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes prayer for anticipatory bail. He submits, by way of a counter affidavit, that due to negligence of the I.O. weight of the seized contraband article has not been taken.

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 nothing has been recovered from conscious possession of the petitioner and the petitioner has no criminal antecedent.

(Anjani Kumar Sharan, J)

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