

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7385 of 2024

Arising Out of PS. Case No.-764 Year-2023 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Mohan Chaudhary @ Mohan Kumar S/o Rajendra Choudhary Resident of
Mohalla - Nayachak, Near Budhiya Kali Asthan, P.S. - Ishakchak, District -
Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Advocate
		Mr. Pravin Kumar Sinha, Advocate
		Ms. Diksha Kumari, Advocate
For the Opposite Party/s :		Mr. Mukesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 16-04-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Kotwali P.S. Case No. 764 of 2023, lodged on 18.08.2023,
under Sections 8(c)/21(c)/22 of the N.D.P.S. Act.

3. As per the prosecution, the total recovery of 300
grams of Brown Sugar has been the subject matter of the present
case.

4. Learned counsel for the petitioner submits that
from the contents of the FIR it is crystal clear that petitioner has
not been apprehended from the place of occurrence and his
name has figured in this case by virtue of confessional statement



of the apprehended accused persons. The alleged Brown Sugar has not been recovered from possession of the petitioner. Counsel submits that it is true that there is one antecedent of the petitioner in which he is on bail. Counsel submits that petitioner is in custody since 21.08.2023

5. Learned counsel for the State opposes the prayer for bail and submits that it is true that N.D.P.S. materials has not been recovered from the possession of the petitioner, but it is also true that his antecedent is not clean and as per the version of the FIR he is involved in selling the Brown Sugar.

6. In this background, this Court is not inclined to grant bail to the petitioner at present. Accordingly, the prayer for regular bail of the petitioner is hereby rejected. However, the petitioner would be at liberty to renew the prayer for bail after framing of the charge.

(Dr. Anshuman, J)

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