

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12286 of 2024

Arising Out of PS. Case No.-235 Year-2022 Thana- BHELDI District- Saran

Manoj Rai son of Late lal Kishun Rai Village- Laganpura Ps- Bheldi Dist- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Raj

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Bheldi P.S.
Case No. 235 of 2022 registered for the offences punishable
under Sections 8, 20(b)(ii)(C), 29 of the N.D.P.S. Act, pending
in the Court of learned Sessions Judge-cum-Special Judge,
Saran at Chapra.

3. This is the second attempt of the petitioner for
grant of anticipatory bail. Earlier by order dated 07.04.2023
passed in Cr. Misc. No. 5166 of 2023, the prayer for
anticipatory bail of the petitioner was dismissed as withdrawn.

4. As per the prosecution case, 12.940 kg Ganja was
recovered from a straw house of the petitioner situated in back
portion of his house.

5. Learned counsel for the petitioner submits that the



petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. No incriminating article has been recovered from the conscious physical possession of the petitioner rather 12.940 kg of Ganja is said to have been recovered from a straw house of the petitioner. Petitioner has no concern either with the seized Ganja or the place of recovery or any trade of Ganja. The petitioner has one criminal antecedent as mentioned in para-3 of this application.

6. Per contra, learned APP for the State vehemently opposing the bail petitioner submitted that the allegations levelled against the petitioner is serious in nature, hence, he does not deserve privilege of anticipatory bail.

7. In such view of the matter and considering the judgment of Hon'ble Apex Court in the case of *Ananda Babu vs. State of Tamil Nadu and Another* reported in *2021 SCC online SC 176*, whereby the Court has held that the second anticipatory bail application is not maintainable, I am not inclined to entertain his prayer once again.

8. Accordingly, this application is dismissed.

(Anjani Kumar Sharan, J)

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