

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18048 of 2024

Arising Out of PS. Case No.-1162 Year-2023 Thana- MADHEPURA District- Madhepura

Ajit Kumar S/o Ramesh Yadav R/o Vill - Chiknautwa, Ward No. 07, P.S. -
Madhepura (Ghailardh), Dist. - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar

For the Opposite Party/s : Mr.Chandra Bhushan Prasad- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-03-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in Madhepura (Ghailardh O.P.) P. S. Case No.1162 of
2023 registered for the offences punishable under Section 21(c)
of the N.D.P.S. Act and Section 30(a) of the Excise Act.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and the
allegation is of recovery of 58 litres of codeine mixed cough
syrup recovered from a Maruti vehicle.

4. The learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession and he came to be
implicated based on the fact that he is owner of the vehicle. It is



next submitted that no prudent person would use his own vehicle for committing a crime and thus, would create evidence against himself and hence, would get implicated. It is further submitted that petitioner was completely unaware that his driver would misuse the vehicle in the manner as alleged.

5. Learned A.P.P. vehemently opposes the bail application and submits that it is a case registered under the N.D.P.S. Act, as codeine comes within the purview of N.D.P.S. Act, as such, anticipatory bail in such cases should not be granted liberally, even if the petitioner was not found at the place of occurrence, when it is an admitted fact that the recovery is from the vehicle of the petitioner.

6. Considering the submissions made by the learned A.P.P., the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

7. Accordingly, the prayer of the petitioner for anticipatory bail stands rejected.

(Satyavrat Verma, J)

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