

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27039 of 2024

Arising Out of PS. Case No.-136 Year-2023 Thana- DHANAHA District- West Champaran

Kamlesh Chaudhary S/o Sudama Chaudhary R/o Village- Mushhari
(Bhagwan Pandey K Tola), P.S. Dhanaha, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the State : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 20-05-2024 Heard Ld. counsel for the petitioner and

Ld. APP for the State.

2. The petitioner apprehends his arrest in connection with Dhanaha P.S. Case No. 136 of 2023 dated 10.07.2023, registered for the offences punishable under Sections 8/20(b)(ii) (B) of N.D.P.S. Act.

3. As per the prosecution case, 2.100 kg. of *Ganja* like substance has been recovered from the *Chhaja* of the outer room from the house of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is 30 years young student and as per the allegation the alleged contraband has been recovered from the *Chhaja* of the outer room of the house which is jointly possessed by the joint family. He further submits that



as per the allegation only 2.100 kg *Ganja* has been recovered which is much less than commercial quantity. He further submits that petitioner has clean antecedent.

5. It is also stated in paragraph no. 2 of the petition that petitioner has never moved before this Hon’ble Court for grant of Anticipatory bail or Regular bail.

6. However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail submitting that there is clear case against the petitioner and in such situation the petitioner does not deserve to be enlarged on anticipatory bail, though, he may have the case for regular bail.

7. Considering the fact that the *prima facie* case is made out against the petitioner, this Court is not persuaded to enlarge the petitioner on anticipatory bail.

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

9. However, the petitioner may surrender before Ld. trial court and Ld. trial court may consider the petition of the petitioner for regular bail.

(Jitendra Kumar, J.)

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