

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28911 of 2024

Arising Out of PS. Case No.-37 Year-2024 Thana- MADANPUR District- Aurangabad

=====

Bulla Mian @Bullu Mian @ Md. Jamil Ahmad SON OF Jahir Ansari
Resident of village Chhakarbandha Police station -Chhakarbandha District-
Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ashhar Mustafa, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 14-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Madanpur (Aurangabad) P.S. Case No. 37 of 2024
registered for the offences punishable under Sections 18(b),
20(B)(ii) C, 22, 29, 8B of the Narcotic Drugs and Psychotropic
Substances Act, 1985.

3. As per prosecution case, on receipt of secret
information that several persons have kept Doda opium and
Posta Dana in their shops as well as at their residence, a raid
was conducted by the police and 5 Kg poppy straw were
recovered from the shop of the co-accused Shakeel Ansari @
Pappu and on the disclosures made by him, 1117 Kg of Posta



Dana was recovered from his joint house property.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. He submits that as per F.I.R., the name of the petitioner has been dragged in this case only through the extra-judicial confessional statement of co-accused Ajay Bhuiya and, except this, there is nothing against the petitioner in the entire record of this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has one criminal antecedent as has been stated in paragraph no.3 of the present petition. The petitioner has no concern with any of the fields where the opium (Posta) was illegally cultivated. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. Charge-sheet has been submitted in this case.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner, submitting that huge amount of contraband has been recovered and the petitioner is involved in sell and purchase of contraband and, hence, the petitioner does not deserve anticipatory bail.

6. The prayer for anticipatory bail of the co-accused Yogendra Sao has already been rejected by this Court vide order



dated 08.05.2024 passed in Cr. Misc. No. 35509 of 2024.

7. Considering the entire facts and circumstances of the case, the nature of offence and there being an embargo under Section 37 of the N.D.P.S. Act, this Court is not inclined to grant anticipatory bail to the petitioner.

8. Accordingly, the prayer for anticipatory bail of the petitioner, above named, is rejected. If the petitioner surrenders before the court below within a period of eight weeks from today and prays for regular bail, the same would be considered by the court below in accordance with law without being prejudiced by the order of this Court.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

