

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47539 of 2024

Arising Out of PS. Case No.-22 Year-2024 Thana- MAIGRA District- Gaya

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Arunesh Kumar Son of Sukan Yadav @ Shukari Yadav Resident of Village-
Baseta, P.S.- Imamganj, District- Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Gajendra Kumar Singh
For the Opposite Party : Mr. Dr. Ajeet Kumar

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 04-10-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Maigra P.S Case No. 22/2024 dated 16.03.2024 registered for the offence punishable u/s 17(c), 18(c), 22(b) and 8 of the N.D.P.S. Act.

3. As per the prosecution case, total 1.200 Kg. opium (afeem) was recovered from the motorcycle.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is owner of the said motorcycle. The seized contraband is less than commercial quantity. The petitioner was neither apprehended on the spot nor any



incriminating article was recovered from the conscious possession of the petitioner. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner. Learned A.P.P. for the State has relied in the case of **Anarul SK Vs. The State of West Bengal (Special Leave to Appeal (Crl.) No(s). 12621 of 2024.)** in which it is stated by the Hon'ble Supreme Court that *the grant of anticipatory bail in cases involving Narcotic Drugs and Psychotropic Substances (NDPS) is a very serious issue and it further directed the State to consider as to whether it proposes to file an application for the cancellation of bail granted to the other co-accused who has been granted anticipatory bail.*

6. Considering the aforesaid facts and circumstances of the case as well as finding substance in the contention of learned counsel for the State, I am of the view that no case for grant of anticipatory bail is made out. The petition is rejected and the petitioner is directed to surrender to the Court below within six weeks from the date of this order and the Court below may consider the prayer of the bail of the petitioner in accordance with law and on its own merits without being



prejudice by this order.

(Chandra Prakash Singh, J)

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