

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53892 of 2024

Arising Out of PS. Case No.-36 Year-2023 Thana- BIRPUR District- Supaul

Md. Sahir Son of Israil Village- Near Masjid Patharaha, Ward No. 13, P.S-
Narpatganj, Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun

For the Opposite Party/s : Mr. Nand Kishore Pd

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 29-11-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in
connection with Birpur P.S. Case No. 36 of 2023 registered
for the offences punishable under Sections 8/20 (b) (ii) (B)
of NDPS Act.

3. As per prosecution case, there was alleged
recovery of 1.50 Kg Ganja from the motorcycle in question
bearing registration no. BR38X-1031. Co-accused, *Amshed*
Miyan, being the driver of the said motorcycle was
apprehended on the spot.

4. Learned counsel for the petitioner submits
that petitioner is not named in the F.I.R and his name has



been transpired in the present case as owner of the motorcycle in question. He further submits that nothing was recovered from the possession of the petitioner rather recovery was made from the motorcycle in question. Learned counsel submits that petitioner handed over the said motorcycle to the apprehended co-accused, *Amshed Miyan*, for his use. In this way, petitioner is not in any way connected with the alleged occurrence. He further submits that petitioner has falsely been implicated in the case. Learned counsel submits that petitioner bears no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that name of petitioner has been surfaced in the present case during the course of investigation and 1.50 kg ganja was recovered from his motorcycle and for said recovery, petitioner cannot escape from the liability. He further submits that FSL report clearly indicates that alleged recovered material is ganja.

6. Considering the facts and circumstances of the case, nature of allegation levelled against the petitioner as



well as F.S.L report, I am not inclined to grant privilege of anticipatory bail to petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is, hereby, rejected.

(Alok Kumar Pandey, J)

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