

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57770 of 2024

Arising Out of PS. Case No.-225 Year-2022 Thana- BATHNAHA District- Sitamarhi

Chunchun Sah Son Of Late Ganesh Sah Resident Of Village - Yamuna
Barahi, P.S. - Bathnaha, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 25-10-2024 Heard Mr. Birendra Kumar, learned counsel for the
Petitioner and Mr. Madan Kumar, learned APP for the State.

2. The petitioner apprehends his arrest in connection with Bathnaha P.S. Case No. 225 of 2022 dated 19.08.2022 registered for the offences punishable under Sections 8/20(b)(ii) (c)/22(b) and 23 of the N.D.P.S. Act.

3. The main submissions advanced by learned counsel for the petitioner are that the petitioner is not named in the FIR and during investigation, he has been made accused mainly on the basis of confessional statement of the co-accused which has no evidentiary value and the mandatory provisions of N.D.P.S. Act were not followed by the police party during search and seizure of the alleged contraband.

4. Learned APP for the State has opposed the prayer for



bail of the petitioner and submitted that the case is under investigation and petitioner's role in commission of the transportation of the alleged contraband has come into light in the statement of the apprehended co-accused.

5. Considering the seriousness of the occurrence which relates to the recovery of 37.5 kilogram narcotic material namely, *Ganja* and during the course of investigation, the petitioner's involvement is also surfaced and he has remained accused in two more cases out of which one relates to the offence punishable under Sections 20/22 of the N.D.P.S. Act and the case is under investigation, in my opinion, in the said circumstances, the petitioner does not deserve to the privilege of anticipatory bail, accordingly, his prayer stands rejected.

(Shailendra Singh, J)

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