

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60531 of 2024

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

Rajendra Bhuiyan S/O Bandhu Bhuiya R/O Village-Dhakpahri, P.S-
Madanpur, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Mukul Kumari, Adv.

For the Opposite Party/s : Mr. Zainul Abedin, APP

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

ORAL ORDER

2 23-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

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

3. As per prosecution case, the accusation against the petitioner is of being indulged in illegal cultivation, selling and buying of opium (poppy).

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The name of the petitioner has surfaced in this case on the basis



of the disclosures made by the co-accused Ajay Bhuiyan and, except, confessional statement of the co-accused Ajay Bhuiyan, there is nothing against the petitioner. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner or from his house. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present anticipatory bail application. The petitioner has no concern with the alleged occurrence or the seized articles.

5. Learned counsel for the petitioner further submits that the co-accused Umashankar Sao @ Umashankar Saw and Upendra Prasad Gupta have been granted regular bail by this Court vide orders both dated 20.04.2024 passed in Cr. Misc. Nos. 29204 of 2024 and 29103 of 2024 respectively.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner, stating that the petitioner is indulged in illegal cultivation, selling and buying of opium. The offence alleged is serious in nature and, thus, he does not deserve the privilege of anticipatory bail.

7. Considering the entire facts and circumstances of the case, 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 four 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)

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