

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65254 of 2024

Arising Out of PS. Case No.-21 Year-2022 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- Darbhanga

Subodh Kumar @ Raijee Son of Prem Raj @ Prem Kumar Ray @ Prem Ray
R/o Village- Rampur Shyamchand, P.S.- Raghapur, District- Vaishali

... .. Petitioner/s

Versus

The Union of India through the N.C.B., Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Pushkar Narain Shahi, Sr. Advocate Mrs. Pratibha Srivastava, Advocate
For the U.O.I.	:	Mr. Ram Anuraj Singh, C.G.C.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 20-11-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Special Case G.R. No. 01/2022 arising out of NCB Case No. NCB (PZU/V/21/2022) dated 09.10.2022 registered for the offence punishable u/s 8(c), 20(b)(ii)(C), 25 and 29 of the N.D.P.S. Act.

3. As per the prosecution case, total 1459.2 kgs. Ganja was recovered from the truck

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the possession of the



petitioner. The petitioner has no concern with the alleged recovery. As per Annexure P-3 and P-4 the other co-accused persons have already been granted regular bail by this court *vide* order dated 25.07.2024 passed in Cr. Misc. No. 44713/2024 and *vide* order dated 08.08.2024 passed in Cr. Misc. No. 53754/2024. 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 by submitting that the seized contraband is more than commercial quantity. 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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