

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65155 of 2024

Arising Out of PS. Case No.-51 Year-2023 Thana- FULKAHA District- Araria

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Ganesh Pandit @ Ganesh Kumar Pandit @ Ganesh Kumar Son of Fulchand
Pandit Resident Village - Koshikapur, Ward No.7, P.S. - Fulkaha, District -
Araria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kundan Kumar Singh

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 14-11-2024 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with
Fulkaha P.S. Case No. 51 of 2023 dated 04.05.2023 instituted
for the offence under Section 8 / 20 (b)(ii)(A) N.D.P.S. Act read
with Section 25(1-b)a , 26 / 35 of the Arms Act.

3. As per the prosecution case on 04.05.2023 two persons on a
bike were coming from Nepal side and when the informant -Sub
Inspector, S.S.B. signaled them to stop they tried to flee away.
However, upon chase, pillion rider namely, Ravi Kumar was
apprehended while the driver namely Ganesh Pandit (petitioner)
succeeded to escape leaving behind the motorcycle. A country
made loaded pistol was recovered from the waist of Ravi



Kumar. On search, beneath the seat of the motorcycle 500 gm “Ganja” was recovered. The petitioner was driving the motorcycle at the time of occurrence. The pillion rider -Ravi Kumar disclosed the name and address of the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has not committed any offence in the manner alleged. The petitioner has falsely been implicated in this case on the basis of suspicion and disclosure made by the co-accused / Ravi Kumar. The alleged narcotic substance has not been recovered from the conscious possession of the petitioner rather recovery was made from the conscious possession of the arrested co-accused / Ravi Kumar. There is no FSL report on record showing the recovered substance as “Ganja”. The petitioner has got two criminal antecedents related to Bihar Prohibition and Excise Act which has been mentioned in paragraph no. 3 of the bail application.

5. Regard being had to the submission made by the parties, taking into consideration the fact that 500 gm of “Ganja” has been recovered beneath the seat of the motorcycle which was being driven by the petitioner and his name has surfaced on the disclosure made by the apprehended pillion rider, as such, I am not inclined to extend the privilege of anticipatory bail to the



petitioner.

6. The prayer for anticipatory bail is rejected.

(Anil Kumar Sinha, J)

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