

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70075 of 2023

Arising Out of PS. Case No.-30 Year-2022 Thana- BOCHAHAN District- Muzaffarpur

Omprakash @ Ravan Son of Late Ramnaresh Rai Resident of Village-Munja
Bangra, P.S.-Deoariya, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Nachiketa Jha, Adv.

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 31-01-2024 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

2. Petitioner apprehends his arrest in connection with
Bochaha P.S. Case No. 30 of 2022 dated 24.01.2022, registered
for the offence punishable u/s 399, 402, 414 and 120(B) of the
I.P.C., u/s 25(1-b)a, 26 and 35 of the Arms Act and u/s 20 & 22
of the N.D.P.S. Act, pending in the court of learned 2nd A.D.J.,
Muzaffarpur.

3. As per the prosecution case, the informant received a
secret information that 4-5 persons have assembled beneath
Etwarpur Taz over bridge in a car bearing Registration No.
BR06CH74 for committing crime. On information, police party
reached on the spot, after seeing the police they started fleeing
away, one of them were caught by the police who disclosed his



name Vinay Kumar and also disclosed the name of persons who fled away from the spot. On search a loaded pistol and 1.5 kg Ganja were recovered from the said car.

4. It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has been falsely implicated in this case due to previous grudge. The allegations levelled against the petitioner is general and omnibus in nature. The name of the petitioner has transpired on confessional statement of co-accused, Vinay Kumar. Petitioner was neither apprehended on the spot nor any incriminating articles have been recovered from the house of the petitioner. Petitioner has no concern with the co-accused, Vinay Kumar and recovered articles. Petitioner has one criminal antecedent as mentioned in para 3 of the bail application.

5. Per contra, learned APP for the State vehemently opposing the bail petition submitted that the nature of offence is NDPS Act, the allegations levelled against the petitioner is serious in nature, it is not fit case, hence he does not deserve anticipatory bail.

6. Considering the facts and circumstances of case, the nature of offence is specific NDPS Act, hence I am not inclined to enlarge the petitioner on bail. The prayer for bail of the



petitioner is hereby rejected.

7. However, if the petitioner surrenderbefore the learned Court below within six weeks from today and seek regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order. Considering this fact is that no incriminating articles have been recovered from the conscious possession or the house of the petitioner.

(Anjani Kumar Sharan, J)

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