

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69390 of 2023

Arising Out of PS. Case No.-16 Year-2022 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- Patna

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Md. Khamasa Tasmir Ahmad @ Md. Khamasa Tamir @ Khusro Son Of Md.
Mazharul Islam Ansari Resident Of Near Choti Masjid Gulli Bhatta Sahibganj
Ps Sahibganj Jharkhand Petitioner/s

Versus

1. The State of Bihar
2. Union of India through Intelligence Officer, Narcotics Control Bureau, Patna
Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Shadab Akhter, Adv.
For the State	:	Mr.Kalyan Shankar, APP
For NCB	:	Mr. Awadhesh Kumar Pandey, Sr. Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 18-04-2024 Heard learned counsel for the petitioner, learned

counsel for the NCB and learned Additional Public Prosecutor

for the State.

2. The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 8(c), 21(c),
25 and 29 of the NDPS Act.

3. Allegation against the petitioner is that he had
placed order of 20 cartons with the main accused namely Anuj
Kumar Sah of codeine based cough syrup.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and has been falsely implicated in this
case. He submits that the petitioner has been made accused in
this case on the basis of confessional statement of co-accused
Anuj Kumar Sah. He submits that no any contraband article has



been recovered from the house of the petitioner. He submits that the petitioner is neither involved in ordering the illicit consignment nor he is anywhere involved in transporting it. He further submits that petitioner has no criminal antecedent as stated in para-3 of the bail application.

5. Learned APP for the State and learned counsel for the NCB oppose the prayer for bail submit that the allegation against the petitioner is very grave and serious in nature.

6. Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer for anticipatory bail is rejected in connection with Special (NDPS) Case No. 188 (A) of 2022 arising out of NCB/PZU/V/16/2022.

7. However, if the petitioner surrenders before the learned court below within a period of six weeks from today and prays for regular bail, the same shall be considered by the learned court below on the same day without being prejudiced by this order considering the fact that the petitioner has no criminal antecedent.

(Anjani Kumar Sharan, J)

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