

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70412 of 2024

Arising Out of PS. Case No.-151 Year-2024 Thana- JOGBANI District- Araria

Kursed @ Md. Kursed S/o Md. Nezam @ Md. Nizam R/o vill - Amouna,
ward no. 20, P.S. - Jogbani, Distt. - Araria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kishore Bharti, Adv.
For the State : Mr.Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-10-2024 Heard learned counsel for the petitioner and Mr. Dilip
Kumar No.1, learned APP for the State.

2. Petitioner is apprehending his arrest in connection with
Jogbani P.S. Case No.151 of 2024, registered for the offence
punishable u/s 21, 22 of the NDPS Act.

3. Altogether, 160 pieces of Codeine containing cough syrup
of 16 litres and cash Rs.42,000/- is said to have been recovered
from the medical shop of one Md. Mukarram, who was
apprehended on the spot and disclosed that the said articles were
sold and supplied to him by the petitioner.

4. It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has not committed any offence.
He has been falsely implicated in this case due to ulterior
motive. He was not present on the spot nor has any involvement



in the alleged recovery. His name transpired in this case on the statement of the apprehended co-accused, with whom the petitioner has inimical terms since long. No incriminating article has been recovered from the conscious physical possession of the petitioner and he is a 50% handicapped person. Petitioner has no criminal antecedent.

5. Learned APP for the State opposed the prayer for bail.

6. Considering the aforesaid facts and circumstances and the nature of allegation, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. This application is accordingly dismissed.

8. However, petitioner is at liberty to surrender before the learned Court below within a period of six weeks and seek regular bail and the learned Court below would pass order, preferably, on the same day, in accordance with law.

(Anjani Kumar Sharan, J)

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