

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73767 of 2024

Arising Out of PS. Case No.-277 Year-2024 Thana- BELDOUR District- Khagaria

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Banti Kumar Son of Pappu Patel Resident of Village - Chakarmainiya, P.S. - Beldaur, District - Khagaria. Presently residing at Dan Nagar Ward No. 3, Khagaria, P.O. and P.S. - Khagaria, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Garg, Adv.

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Beldaur P.S Case No. 277/2024 dated 30.07.2024 registered for the offence punishable u/ss 8, 20(b)(ii) (B), 22(b) of the N.D.P.S. Act and Sections 25(1-B)a, 25(1-AA), 26 and 35 of the Arms Act.

3. As per the prosecution case, on secret information regarding the involvement of the petitioner and the co-accused persons in selling of illegal weapons and ganja, the police party raided the place of occurrence. On seeing the police party, some persons tried to flee away but they were apprehended by police. On interrogation, they disclosed their name as Pappu Patel and



Chanchal Devi @ Nutan Devi and also disclosed the name of their associates as Banti Kumar (petitioner), Aditya Kumar @ Pintu Kumar. On search, 20 country made pistols, 79 live cartridges, 3 Kg. 400 gms. ganja and a mobile phone were recovered from the place of occurrence.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The name of the petitioner was disclosed by the apprehended co-accused person. The seized contraband is less than commercial quantity. The petitioner was neither apprehended on the spot nor any incriminating article was recovered from the conscious possession of the petitioner. The petitioner has been made accused in this case only because the said recovery has been made from the shop of the informant's father. The petitioner has no concern with the alleged recovery. 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. 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.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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