

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76690 of 2024

Arising Out of PS. Case No.-180 Year-2024 Thana- BETTIAH CITY District- West
Champaran

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Md. Rafique Alam @ Rafik Alam S/O Late Subhan Miyan R/o Village-
Inarva Bazar, P.O. and P.S.- Inarva, District- Bettiah, Permanent R/O Ward
No. 4, Nakched Tola, Hanuman Gadhi, Motihari, East Champaran (Bihar).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Deepika Sharma
For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 218-11-20241. Heard the parties.
2. The petitioner apprehends his arrest in connection with Bettiah Town P.S. Case No. 180 of 2024 dated 19.04.2024 registered for the offence under Section 414 of the I.P.C. and Section 8 / 20(b) (ii) (c) / 22(c) / 23 (c) of the NDPS Act.
3. As per the F.I.R. the petitioner- Md. Rafique Alam @ Rafik Alam instructed the co-accused / Faiyaz Miyan, Sanjay Patel and Suresh Yadav to go to the Bus Stand, Bettiah from different routes to deliver 36 Kilograms of “Charas” which was brought from Nepal.
4. Learned counsel for the petitioner submits that petitioner is innocent and has not committed any offence as alleged in the F.I.R. He submits that from perusal of the F.I.R. it would be



evident that no contraband substance has been recovered from the conscious possession of the petitioner and the name of the petitioner has transpired in the statement of another co-accused namely, Faiyaz Miyan. He further submits that the informant has not complied with the provisions of Section 41 NDPS Act and no permission with regard to search and seizure from the competent authority has been obtained by the informant. The petitioner has two criminal antecedents.

5. Regard being had to the submission made by the parties, taking into consideration the fact that 36 Kilograms of “Charas” has been recovered, which is more than commercial quantity, the petitioner is specifically named in the F.I.R. having two criminal antecedents, as such, I am not inclined to grant the privilege of anticipatory bail to the petitioner. The same stands rejected.

(Anil Kumar Sinha, J)

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