

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77013 of 2023

Arising Out of PS. Case No.-706 Year-2017 Thana- KISHANGANJ District- Kishanganj

Pramila Devi Wife Of Pirthabi Paswan @ Bidhyarthi Paswan @ Vidhyarthi
Paswan Resident Of Village- Hardas Bigah, Ps- Khusrupur, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aatish Kumar, Adv.

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 09-04-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner apprehends his arrest in connection with Kishanganj P.S. Case No. 706 of 2017 registered under Sections 279, 337, 338, 419, 420, 120B of the Indian Penal Code and Sections 22 and 23 of the N.D.P.S. Act.

3. As per prosecution, a total recovery of 53 packets of Marijuana (Ganja) from the offending vehicle Sumo Victa which met with an accident. During course of investigation and from the records of the hospital, it came to light that the injured persons in the vehicle were Pramila Devi and Vimal Das.

4. Submission of learned counsel for the petitioner is that petitioner is innocent and has falsely been implicated in the present case merely on presumption and assumption of the



informant. Further submission is that nothing has been recovered from the conscious possession of the petitioner. The vehicle in question from where the alleged recovery has been made does not belong to the petitioner.

5. Learned A.P.P. appearing on behalf of the State opposed the prayer of the petitioner by contending that the petitioner was found in the vehicle from where the alleged recovery has been made. The alleged recovery of *ganja* is of a commercial quantity. The involvement of the petitioner appears to be there in the alleged offence and on the requisition of the I.O., non-bailable warrant has already been issued.

6. Having considered the facts and circumstances of the case and nature of the allegation, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, prayer of the petitioner is rejected.

(Prabhat Kumar Singh, J)

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