

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78143 of 2024

Arising Out of PS. Case No.-104 Year-2024 Thana- SARSI District- Purnia

Gulshan Kumar Yadav @ Gulshan Kumar Son of Manoj Yadav @ Manoj Kumar Yadav Resident of Village and P.S. - Banmankhi, District - Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha
Mr.Bidhu Ranjan
For the Opposite Party/s : Mr.Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 02-12-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Sarsi Police Station Case No. 104 of 2024, dated 05.06.2024, disclosing offences punishable under Sections 8(c)/21 (b)/21 (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
3. The prosecution case, as per the First Information Report, is that the police, on secret information, raided Nirmal Dhaba, Zianganj, and apprehended four persons, namely, Rahul Kumar, Vijay Kumar Agrawal, Dharmendra Yadav and Saurabh Kumar, who tried to flee away on seeing the police. On search, the police recovered 102 gms. smack



like material each from the possession of co-accused Rahul Kumar, Vijay Kumar Agrawal and Surabh Kumar and from the possession of co-accused Dharmendra Yadav, 06 gms. of smack like material was recovered by the police. The arrested co-accused Rahul Kumar has confessed before the police that on the instruction of co-accused Mithu @ Manish Sharma, he came at Nirmal Dhaba to deliver smack to the petitioner and others and he had delivered smack before also to the petitioner on several occasions.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case by the police due to ulterior motive. He further submits that he was not present at the place of occurrence on the date of occurrence and he is a local grain supplier and he has no concern with the recovered smack and/or the persons arrested by the police.
5. On the other hand, learned Additional Public Prosecutor vehemently opposes the prayer for anticipatory bail and submits that from the possessions of the arrested accused persons, a total quantity of 312 gms. of smack like material was recovered and one of the arrested accused,



namely, Rahul Kumar, has disclosed and he, at the instance of smack dealer, namely, Mithu, had come to Nirmal Dhaba, to deliver the smack to the accused and others and he further confessed that earlier also, on several occasions, he had delivered smack to the petitioner. He further submits that the petitioner has got four criminal antecedents, one of which is having similar nature of offence.

6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the seriousness of offence and the confessional statement of co-accused Rahul Kumar, and the fact that the petitioner has got criminal antecedents and the case is under investigation, wherein the custodial interrogation of the petitioner may be necessary based upon the material(s) collected by the police during investigation, I am not inclined to grant the petitioner privilege of anticipatory bail.
7. This application is, accordingly, dismissed

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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