

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87686 of 2024

Arising Out of PS. Case No.-98 Year-2024 Thana- Babarganj District- Bhagalpur

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1. Tinku Kumar S/O Arjun Das R/O Mohalla - Madwasthan, Maheshpur, Aliganj, P.S- Babbarganj, District - Bhagalpur
 2. Dharmendra Kumar @ Lalo S/O Prasadi Yadav R/O Mohalla - Madwasthan, Maheshpur, Aliganj, P.S- Babbarganj, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 20-12-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend arrest in connection with Babarganj P.S. Case No. 98 of 2024, punishable for the offences registered under Sections 21(b), 22(b) and 25 of the NDPS Act.

3. The prosecution case, in short, is that, the police has recovered 17.2 gram of brown sugar contained in 44 pouches from the house of co-accused Sunita Devi. The police has also recovered Rs. 29,020/- from there.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. Learned counsel for the petitioners also submits



that the alleged recovery has been made from the house of co-accused Sunita Devi. The petitioners are named in the FIR but they were not arrested on the spot. Name of the petitioners have been disclosed by co-accused, namely, Sunita Devi in her confessional statement and the same has got no evidentiary value. Petitioner no. 1 has got one criminal antecedent in which he is on bail and petitioner no. 2 has got no criminal antecedent. Learned counsel for the petitioners further submits that similarly situated co-accused has been granted bail by this Court vide order dated 21.11.2024 passed in Cr. Misc. No. 81274 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners. It is further submitted that co-accused Sunita Devi, who was apprehended on spot has disclosed that she along with her husband and the petitioners are involved in the illegal business of sale and purchase of brown-sugar. During investigation the witnesses have supported the prosecution case. Hence, the petitioners do not deserve the privilege of anticipatory bail.

6. Considering the aforesaid facts and circumstances of the case, nature and gravity of the offence, this Court does not fit to grant the privilege of anticipatory bail to the petitioners.



7. The prayer is rejected. However, the petitioners are directed to surrender in the Court below and pray for regular bail. If any such application is filed, the Court below shall consider and dispose of the same on its own merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

Rajorshi/-

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