

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1611 of 2025

Arising Out of PS. Case No.-233 Year-2024 Thana- UJIYARPUR District- Samastipur

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Ram Nath Das Son of Ramanand Das Resident of Village- Chaksiray, PS-
Ujiyarpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saurabh Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 17-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Ujiyarpur P.S. Case No. 233 of 2024 registered for the
offences punishable under Sections 8, 20(b)(ii)(a) of the NDPS
Act and Section 37(c) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, there is recovery of 1.300
Kg ganja from the house of the petitioner. Petitioner was not
arrested on the spot.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
Nothing has been recovered from the conscious possession of



the petitioner. The alleged contraband recovered is less than commercial quantity. Hence, Section 37 of the NDPS Act is not applicable. There is no compliance of Sections 42 and 50 of the NDPS Act. Other co-accused has been granted bail by this Court *vide* order dated 10-01-2025, passed in Cr. Misc. No. 80081 of 2024.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner and fervently submitted that since the recovery is made from the house of the petitioner, he does not deserve the privilege of anticipatory bail.

6. Considering the rival submissions made by the learned counsel for the parties, this Court does not think it fit to grant anticipatory bail to the petitioner. Prayer for grant of anticipatory bail is, accordingly, ***rejected***.

7. However, if the petitioner surrenders before the court below within a period of four weeks from today and prays for regular bail, the same would be considered by the court below in accordance with law without being prejudiced by the order of this Court.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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