

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3920 of 2025

Arising Out of PS. Case No.-330 Year-2024 Thana- NAUGACHIA District- Bhagalpur

Ankit Kumar S/O Late Bilash Prasad Singh @ Late Bilash Singh Resident of
Village - Mahant Ashtan Pakra, Police Station- Naugachia, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-02-2025 Heard Dr. Manoj Kumar, learned counsel for the

petitioner and Mr. Brajendra Nath Pandey, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest connection
with Naugachia P.S. Case No. 330 of 2024, F.I.R. dated
11.10.2024 registered for the offences punishable under Section
8(C), 21(a), 25, 29 of the N.D.P.S. Act.

3. The case relates to recovery of 4.11 grams of
Smack.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that it appears
from the F.I.R. as well as seizure list that nothing has been
recovered from the conscious possession of the petitioner rather



recovery has been made from co-accused person namely Ashish Kumar and said co-accused has disclosed the name of the petitioner stating that the petitioner fled away from the place of occurrence. Learned counsel for the petitioner further submits that except the disclosure made by co-accused, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence and the recovered contraband is less than the commercial quantity.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and the fact that the petitioner having clean antecedent and the name of the petitioner has been transpired on the basis of disclosure made by co-accused person and the recovered contraband is less than the small quantity, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order. be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Bhagalpur in connection with Naugachia PS. Case No. 330 of 2024, subject to the conditions



as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of BNSS, 2023 and with other following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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