

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7644 of 2025

Arising Out of PS. Case No.-362 Year-2024 Thana- JANKINAGAR District- Purnia

Priyanshu Kumar @ Priyanshu Kumar Raj @ Priyanshu Kumar Roy @
Guddu Jaiswal S/o- Vidyanand Jaiswal Village- Rampur Tilak ward No.-3 P.s.
Jankinagar Dist. Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Advocate Mr. Praveen Kumar, Advocate
For the Opposite Party/s	:	Mr. Ramchandra Sahni, APP

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

ORAL ORDER

2 07-02-2025 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

2. The petitioner apprehends his arrest in connection
with Jankinagar P.S. Case No. 362 of 2024 registered for the
offences punishable under Sections 8(c) & 21(b) of the Indian
Penal Code.

3. Prosecution case in short is that total 12.59 grams
smack has been recovered from the co-accused persons and
petitioner is said to have fled away from 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.



No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner submits that petitioner has no concern with the recovered contraband. The recovered contraband is below commercial quantity. Hence, Section 37 of the NDPS Act is not applicable in the present case. Petitioner bears five criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application. Other co-accused have been granted regular bail by this Court vide orders dated 16-01-2025 & 20-01-2025, passed in Cr. Misc. No. 90283 of 2024 & Cr. Misc. No. 643 of 2025, respectively.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is contended that owing to five criminal antecedents of the petitioner, out of which two cases are of similar nature, petitioner does not deserve the privilege of anticipatory bail.

6. Considering the rival submissions made by the learned counsel for the parties and taking into account five criminal antecedents of the petitioner, this Court is not inclined to grant anticipatory bail. 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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