

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13232 of 2025

Arising Out of PS. Case No.-8 Year-2025 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Dilip Budhiya @ Dilip Kumar Budhiya S/O Late Ashok Kumar Budhiya R/o
Marwari Tola Lane, Near Mandir, P.S.- Kotwali, Distt.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. S. M. Ashraf, Sr. Advocate
		Mr. Rana Hason, Advocate
		Mr. Homa Yunus, Advocate
For the Opposite Party/s :		Mr. Uday Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 28-03-2025 Heard Learned Counsel for the petitioner and

Learned APP for the State.

2. The present criminal miscellaneous application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as ‘the BNSS, 2023’) for grant of anticipatory bail to the petitioner who apprehends arrest in connection with Kotwali P.S. Case No.8 of 2025, lodged on 06.01.2025, under Sections 21(C)/22(C)/25 of the Narcotic Drugs and Psychotropic Substance Act, 1985.

3. As per the prosecution, FIR has been lodged against the sole petitioner. Recovery of 300 tablets of Nitamcare and 5.100 liters of Wing’s Codeine Phosphate and Triprolidine Hydrophloride Syrup from the cabin of generator kept in the



basement of the apartment has been the subject matter of the present case.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that name of the petitioner has figured on the disclosure made by the guard of the said apartment. Counsel submits that provision of Sections 103(6) and 105 of the BNSS has not been followed. Counsel submits that antecedent of the petitioner is not clean.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that criminal antecedent of the petitioner is not clean. There are five criminal antecedents of similar nature are against the present petitioner.

6. Considering the criminal antecedents of the petitioner, the prayer for anticipatory bail of the petitioner is hereby rejected. However, in the event of surrender of the petitioner within four weeks from today, the prayer for regular bail shall be considered without being prejudiced by the order of this Court.

(Dr. Anshuman, J)

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