

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21690 of 2025

Arising Out of PS. Case No.-4 Year-2025 Thana- Lalamnia District- Madhubani

Uday Shankar Ram Son of Babu Lal Mahra Resident of village -Ghormohana
P.S- Lalmaniya Dist- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

6 15-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Lalmaniya P.S. Case No.04 of 2025 instituted under Sections 21 & 27 of N.D.P.S. Act and Section 30(a) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, on secret information, the SSB team conducted a raid to the house of one Ram Shankar Ray in the presence of Drug Inspector and his team and recovered huge quantity of prohibited medicine/narcotic substance, Nepali currency, mobile phones, motorcycle and other articles. The said Ram Shankar Ray and the wife of petitioner told that the petitioner is doing the said business of prohibited medicine.



4. Learned counsel for the petitioner submits that petitioner is innocent and has been implicated in this case. He further submits that petitioner has no concern either with the recovered materials or with the house from where the recovery has been made as the same has been recovered from the house of elder brother of petitioner, namely, Ram Shankar Ray and petitioner is living separate from his brother. Learned counsel submits that petitioner is a teacher and was not present on the spot and no incriminating material has been recovered from his conscious possession. He further submits that there is violation of Section 103 of B.N.S.S., 2023 in preparing the seizure list. Learned counsel submits that petitioner has one criminal antecedent of N.D.P.S. Act and he undertakes to cooperate in the investigation and trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail and submits that huge quantity of prohibited medicine alongwith other articles were recovered from the house of petitioner and he has one criminal antecedent under N.D.P.S. Act. The witnesses including the wife of petitioner disclosed the involvement of petitioner in the offence. Therefore, he does not deserve the privilege of anticipatory bail. He further submits that in view of Full Bench decision of this



Court rendered in the case of **Ram Vinay Yadav vs. The State of Bihar** reported in **2019(2) P.L.J.R. 1089 (F.B.)** *prima facie* case is made out against the petitioner, therefore, the anticipatory bail is not maintainable.

6. Considering the facts and circumstances of the case, submissions of learned counsel for the parties and the criminal antecedent of petitioner as well as the nature of allegation against the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, his prayer for anticipatory bail is, hereby, rejected.

(Sunil Dutta Mishra, J)

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