

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23535 of 2025

Arising Out of PS. Case No.-52 Year-2024 Thana- TARIYANI CHAPRA PS District-
Sheohar

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Pappu Kumar, aged about 28 years, Male, son of Vindeshwar Ram, R/O
village- Tariyani Chapra (Chapra), P.S.- Tariyani Chapra (Chapra), Dist-
Sheohar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Uday Kumar, Advocate

For the Opposite Party : Mr. Satyendra Prasad, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 04-07-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Tariyani Chapra P.S. Case No. 52 of 2024 dated
15.06.2024 registered for the offences punishable under
Sections 399, 402 of the I.P.C., 20, 22, 23, 24, 27, 29 of the
N.D.P.S. Act and Sections 25(1-B)a, 26 and 35 of the Arms Act.

3. As per the prosecution case, police apprehended
Suraj Kumar @ Surajvan Singh, Raju Kumar, Bhola @ Vikram
Ram and Sharavan Kumar who also disclosed the name of the
petitioner and other co-accused persons and on search, one
country made loaded katta, one live cartridge and 1.52 Gram



smack were recovered from the possession of the co-accused Suraj Kumar @ Surajvan Singh, one country made loaded katta alongwith one live cartridge, one screen touch mobile, 1.52 Gram smack, cigarette and match box were recovered from the possession of the co-accused Raju Kumar, 1.52 Gram smack and iron knife were recovered from the possession of the co-accused Bhola @ Vikram Ram and 1.52 Gram of smack was recovered from the possession of the co-accused Shravan Kumar.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the petitioner was not arrested on the spot and his name has come in the present case on the basis of the confessional statement of the aforesaid apprehended co-accused persons which has got no evidentiary value in the eyes of law. No incriminating article has been recovered from the possession of the petitioner. The petitioner has no concern with the alleged offence. There is no statutory compliance under the provisions of the N.D.P.S. Act. It is further submitted that other co-accused person, Anku Kumar, has already been granted regular bail by a Bench of this Court in Cr. Misc. No. 82603 of 2024 vide order dated 04.12.2024. The



petitioner has clean criminal antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner. Learned A.P.P. for the State has relied in the case of ***Anarul SK Vs. The State of West Bengal (Special Leave to Appeal (Crl.) No(s). 12621 of 2024)*** in which it is stated by the Hon'ble Supreme Court that *the grant of anticipatory bail in cases involving Narcotic Drugs and Psychotropic Substances (NDPS) is a very serious issue and it further directed the State to consider as to whether it proposes to file an application for the cancellation of bail granted to the other co-accused who has been granted anticipatory bail.*

6. Considering the aforesaid facts and circumstances of the case as well as the accusation against the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner and the same is rejected with a direction to the petitioner to surrender before the learned court below within a period of six weeks from the date of receipt/production of a copy of this order and the learned court below may consider the prayer for regular bail of the petitioner without being prejudiced of the order of this Court in connection with Tariyani Chapra (Tariyani



Chhapra) P.S. Case No. 52 of 2024, pending in the court of learned Sessions Judge-cum-Special Judge, N.D.P.S. Sheohar, preferably on the same day.

7. Accordingly, the anticipatory bail application of the petitioner stands rejected.

(Chandra Prakash Singh, J)

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