

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21960 of 2025

Arising Out of PS. Case No.-38 Year-2025 Thana- UDWANTNAGAR District- Bhojpur

Deepak Kumar S/o Uma Shankar Mahto @ Umashankar Mahto R/o Village-
Masarh, PS- Udwantnagar, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyapal Singh, Adv.

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, APP

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

ORAL ORDER

2 04-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Udwantnagar P.S. case No. 38 of 2025 instituted for the
offences under Sections 20(b)(ii)(c)/25/27(a)/29 of the N.D.P.S.
Act.

3. As per prosecution case, the police intercepted a car
bearing Regd. No. BR-04Q-8538 and recovered about 30.5 Kg.
Ganja from the same. It is alleged that one Ankit Raj was
apprehended on the spot whereas three other persons, who were
travelling in the same car, managed to flee away from there and
the petitioner is stated to be one of those three persons.

4. Learned counsel for the petitioner submitted that the



petitioner is innocent and has falsely been implicated in the present case. The name of the petitioner has transpired in this case on the basis of the disclosures made by the apprehended co-accused Ankit Raj. The petitioner is not the owner of the alleged vehicle. The petitioner on the alleged date and time of occurrence was not present at the place of occurrence. Petitioner has no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. No incriminating material has been recovered from the conscious possession of the petitioner. There is no compliance of Section 42 and 50 of the N.D.P.S. Act. There is also non-compliance of Section 103 of the B.N.S.S.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP submits that the recovered contraband is above the commercial quantity, hence, there is bar under Section 37 of the N.D.P.S. Act. He further submits that the prayer for regular bail of the co-accused Ankit Raj has already been rejected by this Court vide order dated 22.03.2025 passed in Cr. Misc. No. 16827 of 2025.

6. Considering the aforesaid facts and circumstances of the case and recovery of contraband beyond commercial



quantity coupled with embargo under Section 37 of the N.D.P.S. Act, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

7. Accordingly, the prayer for anticipatory bail of the petitioner, above named, is rejected. 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)

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