

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29682 of 2025

Arising Out of PS. Case No.-122 Year-2024 Thana- KHUTAUNA District- Madhubani

Shankar Prasad Gupta S/o Parusram Sah R/o Village- Dhatta Tol, PS-
Lalmaniya, Laukaha, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate
For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

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

ORAL ORDER

2 12-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends arrest in Khutauna P.S.
Case No. 122 of 2024, registered for the offences punishable
under Sections 8, 20(b)(ii)(c) of the NDPS Act.

3. The prosecution case, in short, is that, there is
recovery of 102.150 Kg of Ganja from a car.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Learned counsel for the petitioner also submits that
the petitioner is neither named in the FIR nor present at the



place of occurrence. Name of the petitioner has transpired in this case on the basis of confessional statement of co-accused, namely, Umesh Kumar Singh and the same has got no evidentiary value. It is further submitted that no recovery of the alleged contraband has been made from the possession of the petitioner. The petitioner has got no concern with the alleged recovery of Ganja and the vehicle in question. The petitioner has got one criminal antecedent in which he is on bail. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner. Learned A.P.P. submits that recovered contraband is above the commercial quantity, hence, there is bar under Section 37 of the N.D.P.S. Act.

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 anticipatory bail to the petitioner.

7. The prayer is rejected. However, the petitioner is directed to surrender in the Court below and pray for regular bail. If any such application is filed, the Court below shall



consider and dispose of the same on its own merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

Rajorshi/-

U		T	
---	--	---	--

