

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32205 of 2025

Arising Out of PS. Case No.-554 Year-2024 Thana- PATNA GRP CASE District- Patna

MITHLESH KUMAR S/O VIJAY PRASAD @ VIJAY PRASAD YADAV
R/o vill - Kewlatal, Raipura, P.S.- Fatwa, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Singh, Advocate
For the Opposite Party/s : Mr. Gauri Shankar Gupta, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 13-08-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner is apprehending arrest in connection with GRP Patna Junction P.S. Case No. 554 of 2024 lodged on 02.08.2024, for the offence punishable under Sections 8, 20(b) (ii)(B) of the N.D.P.S Act, pending in the Court of Exclusive Special Judge, N.D.P.S, Court No.II, Patna.

3. As per the prosecution, FIR has been lodged against one named accused person. Total recovery of 10 kg. of *ganja* has been made which is 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 the said *ganja* was not recovered from the



conscious possession of the petitioner, rather, the recovery was made from an apprehended co-accused, who allegedly disclosed the name of petitioner and stated that he had received the *ganja* from the petitioner. Counsel submits that the petitioner has no criminal antecedent and he has unnecessarily been made accused in this case and petitioner is not named in the FIR. Counsel submits that the petitioner is a student and is now pursuing M.Sc from Patliputra University and had passed B.Sc (Hons) Mathematics from Patliputra University. Counsel further submits that on previous occasion, case diary has been called for.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that on previous occasion, case diary has been called for and from perusal of the case diary particularly paragraph no.38, the apprehended accused person has stated that he has received the said *ganja* from the petitioner and also discloses one mobile number which belongs to the petitioner.

6. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected with liberty that if, petitioner surrenders before the concerned



Trial Court within a period of six weeks from today then in that case, the Trial Court is directed to pass order on his surrender-cum-bail application on the same day, without being prejudice that the anticipatory bail of the petitioner has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J)

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