

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30771 of 2025

Arising Out of PS. Case No.-202 Year-2024 Thana- KATIHAR MUFFASIL District- Katihar

Mukesh Sah @ Mukesh Kumar Sah Son of Vinod Kumar Sah @ Binod P D
Sah Resident of village- Maniya Pokhar, PS -Katihar Muffasil, District
-Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 15-05-2025 Heard Learned Counsel for the petitioner and Learned
A.P.P for the State.

2. The petitioner is apprehending arrest in connection with NDPS Case No. 52 of 2024 arising out of Katihar Muffasil P.S. Case No. 202 of 2024 lodged on 29.08.2024, for the offence punishable under Section 8(b)/21(c) of the Narcotic Drugs and Psychotropic Substances Act.

3. As per the prosecution, total recovery of 51.10 gm smack 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 at the time of alleged recovery, the petitioner was not present at the house and in his absence, recovery was made. Counsel submits that antecedent of the petitioner is not clean as there are five criminal cases pending against him, but he is on



bail in all those cases. Counsel submits that for constituting the offence under the NDPS Act. Recovery of NDPS material is necessary from the conscious possession of the petitioner.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that recovery of NDPS material has been made following the confession which corroborates the allegation. Counsel further submits that the petitioner has criminal antecedent of five cases.

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.

7. It is hereby directed to the petitioner to surrender before the Trial Court within a period of 4 weeks from today. In case, the petitioner surrenders within four weeks, then 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)

Sudhanshu/-

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

