

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29214 of 2025

Arising Out of PS. Case No.-373 Year-2022 Thana- BARACHATTI District- Gaya

Rajesh Kumar S/o- Lakhan Yadav Village- Naktataya Bangurua PS-
Barachatti, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 05-08-2025 Heard Mr. Sudhir Kumar Sinha, learned counsel for
the petitioner and Mr. Surendra Kumar, learned APP for the
State.

2. The petitioner is apprehending his arrest in connection with Barachatti P.S. Case No. 373 of 2022, F.I.R. dated 05.05.2022 for the offences punishable under Sections 18, 20,22 of the N.D.P.S act, 1985.

3. Recovery is of 2 kg opium like substance from motorcycle.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the



F.I.R.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that 2 kg opium like substance was recovered from the motorcycle in question and the said opium is under the purview of the commercial quantity and apart from that the co-accused person, namely, Vinesh Kumar has stated that the petitioner was involved in the present crime in question and when the police reached, the petitioner escaped from the place of occurrence. He further submits that the recovered contraband is more than the commercial quantity so there is embargo under Section 37 of the NDPS Act to grant privilege of anticipatory bail to the petitioner and apart from that F.S.L report also confirms that the recovery substance is the contraband. The relevant part of the FSL report is mentioned hereinbelow:-

“Morphine, Codeine, Thebaine and Papaverine were detected in blackish brown colour sticky substances kept in two plastic dibba marked (1) and (2) as described above. Morhine, Codeine, Thebaine and Papaverine are opium alkaloid derived from poppy plant (Papaver Somniferum). Morphine, Codeine and thebaine are narcotic drug and highly addictive in nature.”

6. Considering the aforesaid facts and circumstances,I



am not inclined to grant the privilege of anticipatory bail to the petitioner in connection with Barachatti P.S. Case No. 373 of 2022 pending in the court of Sessions Judge-cum-Special Judge (N.D.P.S. Act), Gaya.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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