

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34994 of 2025

Arising Out of PS. Case No.-92 Year-2013 Thana- CUSTOM (GOVERNMENT OFFICIAL)
District- East Champaran

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Md. Kamran @ Mad Kamran S/o Shekh Reyaz Resident of Vill.- Beldari,
P.S.- Bettiah Muffasil, Distt.- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through the Superintendent, customs (P) Division,
Motihari Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	: Mr. Sanjeev Kumar, Advocate
For the State	: Mr. Jai Narain Thakur, A.P.P
For the UOI	: Mr. Sriram Krishna, Senior Standing Counsel for custom

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 20-08-2025 Heard learned counsel for the petitioner, learned A.P.P
for the State and learned Senior counsel for Union of India.

2. The petitioner is apprehending arrest in connection
with N.D.P.S. 147 of 2013 (Official Complaint Case No.
Customs U/C No.92/MTH/13-14), for the offence punishable
under Sections 20(b)(ii)(c), 23, 27 & 29 of the N.D.P.S. Act,
pending in the Court of Exclusive Special Judge, Court No.II,
N.D.P.S. Act, East Champaran, Motihari.

3. As per the prosecution, 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 recovery of alleged *ganja* has been made from a motorcycle which belongs to the petitioner and due to this reason, petitioner's name has figured in this case. Counsel submits that the said motorcycle has already been sold to another person who has also been made accused. Counsel further submits that the petitioner has no criminal antecedent.

5. Learned Senior counsel appearing for UOI vehemently opposes the prayer for bail and submits that this plea has not been taken and available to the petitioner due to the reason that, just 10 days prior to the said occurrence, the said motorcycle was subject to exchange. He submits that it is a thought which has been created later on.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that this case is not fit for anticipatory bail to the petitioner.

7. 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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