

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35896 of 2025

Arising Out of PS. Case No.-136 Year-2024 Thana- BALIA BELON District- Katihar

Md. Nomaan Son of Late Basiuddin@ Late Wasiuddin Resident of Village-
Nekula, P.S.- Balia Belon, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ajay Kumar Thakur, Advocate
	Mr. Md Musowir, Advocate
For the Opposite Party/s :	Mr. Anand Kishore Choudhary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-06-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Balia Belon P.S. Case No. 136 of 2024 registered for the offences punishable under Sections 20, 22(a) and 22(b) of NDPS.

3. As per prosecution case, there is alleged recovery of 5.86 kg of Ganja and 5 gram Smack like substance from the possession of the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. Petitioner was not found at the place of occurrence. No incriminating article has been recovered from the physical possession of the petitioner. He further submits that petitioner bears criminal antecedent of one case which was lodged by the



same informant and the petitioner is already on bail on the said case. He further submits that petitioner is public representative and on the basis of election rivalry he has falsely been implicated in the present case.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner by submitting that 5.86 kg of Ganja and 5 gram Smack like substance have been recovered from the possession of the petitioner and in that situation petitioner does not deserve anticipatory bail. He further submits that grant of bail in NDPS is circumscribed under Section 37 of Narcotic Drugs and Psychotropic Substances Act, 1985, which says that before grant of bail, the Court must have reason to believe that petitioner has not committed the offence and in the event of release he would not commit similar offence.

6. Considering the facts and circumstances of the case, nature of allegation levelled against the petitioner, arguments advanced on behalf of the parties as well as material available on record, I am not inclined to grant privilege of anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

(Alok Kumar Pandey, J)

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