

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36786 of 2025

Arising Out of PS. Case No.-18 Year-2024 Thana- KUWARI District- Araria

Santosh Kumar Tatma @ Saroj Kumar Bharti @ Santosh Tatma S/o- Sri Naresh Tatma @ Naresh Kumar Mandal Village- Darhapipar Ps- Kuari Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Vaishnavi Singh, Advocate Mr. Ajay Kumar Thakur, Advocate Mr. Ritwik Thakur, Advocate
For the Opposite Party/s	:	Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 22-08-2025 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Kuwari P.S. Case No. 18 of 2024 dated 14.05.2024 registered for the offences punishable under Sections 8, 20(B)(ii)(C), 22(c) and 25 of the N.D.P.S. Act.

3. As per the prosecution case, total 78 kg ganja was recovered from the house of the co-accused Vinod Tatma. On the instance of the co-accused, Santosh Mandal total 41.200 kg ganja was recovered from the maize field.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in



this case. Nothing has been recovered from the possession of the petitioner. The petitioner has no concern with the alleged occurrence. The other co-accused person has already been granted regular bail by this court *vide* order dated 13.11.2024 passed in Cr. Misc. No. 62859/2024. The petitioner has two criminal antecedents as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner by submitting that the petitioner is involved in smuggling of illegal *ganja*. The seized contraband is more than commercial quantity. Learned A.P.P. for the State has relied in the case of **Anarul SK Vs. The State of West Bengal (Special Leave to Appeal (Crl.) No(s). 12621 of 2024.)** in which it is stated by the Hon'ble Supreme Court that *the grant of anticipatory bail in cases involving Narcotic Drugs and Psychotropic Substances (NDPS) is a very serious issue and it further directed the State to consider as to whether it proposes to file an application for the cancellation of bail granted to the other co-accused who has been granted anticipatory bail.*

6. Considering the aforesaid facts and circumstances of the case as well as finding substance in the contention of learned counsel for the State, I am of the view that no case for grant of anticipatory bail is made out. The petition is rejected



and the petitioner is directed to surrender to the Court below within six weeks from the date of this order and the Court below may consider the prayer of the bail of the petitioner in accordance with law and on its own merits without being prejudice by this order.

(Chandra Prakash Singh, J)

atul/-

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

