

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41418 of 2025

Arising Out of PS. Case No.-78 Year-2021 Thana- RAUTA District- Purnia

Md. Shahjahan @ Shahjahan @ Shahjahan Ansari @ Md. Shahjahan Ansari
S/O Late Md. Jahangir @ Jahangir Resident of Bagdhar, P.S- Amour, District-
Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 01-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Suppl. Special (N.D.P.S. Act) Case No. 61 of 2021, arising out of Rauta P.S. Case No. 78 of 2021, instituted under Sections 274, 275 and 276 of the Indian Penal Code, Section 21(c) of the Narcotic Drugs and Psychotropic Substances act, 1985, Sections 27(b)ii, 28, 27(d) of the Drugs and Cosmetic Act, 1940 and Section 30(a) of the Bihar Prohibition & Excise Act.

3. As per the prosecution case, on secret information, on raid, there is recovery of 1056 litre Codein Cough Syrup from pick-up van of the petitioner.

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



as he is not the real owner of the vehicle rather the same was registered in the name of his deceased father who had nominated the step-mother of petitioner at the time of registration of Pick-up Van. Nothing has been recovered from the conscious possession of the petitioner. Petitioner has no concern with the seized liquor. Petitioner has no criminal antecedent. The process under Section 82 Cr.P.C. was initiated when the petitioner was not in India but was working in Saudi Arabia for his livelihood. He undertakes to co-operate in the investigation and trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that there is recovery of large quantity Codein Cough Syrup from the vehicle of the petitioner which is commercial quantity. He further submits that in view of Full Bench decision of this Court rendered in the case of ***Ram Vinay Yadav vs. The State of Bihar*** reported in ***2019(2) P.L.J.R. 1089 (F.B.)***, *prima facie*, case is made out against the petitioner, therefore, the anticipatory bail is not maintainable.

6. From the report of S.H.O., Rauta P.S., Purnia it appears that the seized vehicle was registered in the name of father of the petitioner and after his death petitioner was looking after all the affairs related to the vehicle.

6. Considering the facts and circumstances of the case and report of the S.H.O., P.S. Rauta and the fact that there is



recovery of huge quantity of Codein Cough Syrup from the vehicle of the petitioner which is commercial quantity, this Court is not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the anticipatory bail petition of the petitioner is rejected.

(Sunil Dutta Mishra, J)

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