

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43777 of 2025

Arising Out of PS. Case No.-55 Year-2025 Thana- KUNDWACHAINPUR District- East
Champaran

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Daya Shankar Jaiswal @ Daya Shankar Kumar S/o Suresh Chaudhary @
Suresh Kumar Chaudhary Resident of Village - Mahangua, Post - Gurhanawa,
P.S. - Kundwa Chainpur, District - East Champaran

... .. Petitioner/s

Versus

1. The Union of India through the C.O. 20th S.S.B. Sitamarhi Bihar
2. The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Madhurendra Kumar, Advocate
For the UOI (NCB)	:	Mr. Deepak Kumar, Sr. C.G.C.
		Mr. Arvind Kumar, C.G.C.
		Mr. Lokesh, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 16-07-2025 Heard learned counsel for the petitioner, learned A.P.P
for the State and learned counsel for Union of India.

2. The petitioner is apprehending arrest in connection
with Kundwa Chainpur P.S. Case No. 55 of 2025 lodged on
20.02.2025, for the offence punishable under Sections 20(b)
(ii)A, 25 & 23(b) of the N.D.P.S. Act 1985, pending in the Court
of Exclusive Special Judge Court No.II, N.D.P.S, East
Champaran, Motihari.

3. As per the prosecution, FIR has been lodged against
two named accused persons including the present petitioner.
Total recovery of 4.9 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 petitioner was neither apprehended from the place of occurrence nor any incriminating articles have been recovered from his possession. Counsel submits that the name of the petitioner has figured in this case only on the basis of disclosure made by co-accused person. Counsel submits that the alleged recovery has been made from the possession of co-accused person namely, Satyam Kumar. Counsel further submits that the petitioner has no criminal antecedent.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the alleged *ganja* has been recovered from the possession of co-accused person who has disclosed the name of petitioner. Counsel further submits that the quantity of *ganja* recovered in this case is more than the small quantity.

6. 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 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 considering that whether ingredients of the offence is made out against petitioner or not, 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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