

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40539 of 2025

Arising Out of PS. Case No.-35 Year-2025 Thana- SUPAUL District- Supaul

Raj Hans Rai S/o Rajeev Prasad Yadav Resident of Kallar Tola, Ward No 3,
PS- Muffasil, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Singh, Adv.

For the Opposite Party/s : Mr. Madhuri Lata, 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 in connection with Supaul P.S. Case No. 35/2025 dated 29.01.2025 registered for the offences punishable u/s 8, 20(b)(ii)(c) and 25 of the N.D.P.S. Act.

3. As per the prosecution case, total 123.45 kgs. *Ganja* kept in six plastic packets was recovered from the Scorpio.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the F.I.R. The name of the petitioner has sprung up during investigation as he is the



registered owner of the said vehicle. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged recovery. The petitioner has one criminal antecedent 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 seized contraband is commercial quantity i.e. 123.45 kg *ganja*. The petitioner has no valid authorization for keeping the said contraband. The petitioner is the registered owner of the said vehicle from which the recovery was made. Earlier the regular bail application of the co-accused was rejected by this Court vide order dated 17.06.2025 passed in Cr. Misc. No. 35748 of 2025. 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 the heinous nature of allegation against the petitioner. It is not fit case for anticipatory bail of the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected and the petitioner is directed to surrender before the Court below concerned within six weeks from the date of this order and pray for regular bail, the learned Court below may consider the prayer for regular bail of the petitioner in accordance with law and on its own merits without being prejudiced by this order.

7. This application is rejected.

(Chandra Prakash Singh, J)

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