

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46749 of 2025

Arising Out of PS. Case No.-45 Year-2025 Thana- BUXAR INDUSTRIAL District- Buxar

Akash Kumar Singh @ Akash Kumar S/o Pankaj Kumar Singh @ Pankaj
Kumar Resident of Daljeet Tola, P.S.- Baria, Dist.-Ballia, Uttar Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhitabh Kumar, Adv.

For the Opposite Party/s : Mr.Nagendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 11-07-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Buxar (Industrial Area) P.S. Case No. 45 of 2025, instituted for the offences under Sections 8(c), 20(B), 11B, 22, 27 and 29 of the N.D.P.S. Act.

3. Prosecution allegation, in short, is that there is recovery of 12.480 KG of *Ganja* from the car of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner was neither apprehended on spot nor anything incriminating has been recovered from his conscious possession.



The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present anticipatory bail application. The petitioner has no concern with the alleged occurrence or the seized contraband. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. There is also non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. Charge-sheet has been submitted against the co-accused Prince Kumar Singh, Arvind Gupta and Arman. He further submits that the seized Bolero car was already sold by the petitioner to the co-accused Prince Kumar Singh on 15.01.2025 and the date of occurrence is 27.02.2025.

5. Learned counsel for the petitioner further submits that the co-accused Arvind Gupta has been granted regular bail by this Court vide order dated 16.06.2025 passed in Cr. Misc. No. 36178 of 2025.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner, stating that the offence alleged is serious in nature.

7. Having heard learned counsel for the parties and



taking into account the entire facts and circumstances of the case as also the petitioner being party to the criminal conspiracy, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

8. Accordingly, the prayer for anticipatory bail of the petitioner, above named, is rejected.

9. If the petitioner surrenders before the court below within a period of six weeks from today and prays for regular bail, the same would be considered by the court below in accordance with law without being prejudiced by the order of this Court.

(Rudra Prakash Mishra, J)

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