

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56471 of 2024

Arising Out of PS. Case No.-359 Year-2024 Thana- ALAMGANJ District- Patna

Vishnu Kumar S/O Sri Shyam Babu Paswan R/V- Shiv Mandir Maheshpur,
Deepnagar, P.S- Mehandiganj, Distt.- Patna.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha

For the Opposite Party/s : Mr.Narendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL ORDER

4 24-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Alamganj P.S. Case no. 359 of 2024 instituted for the offence punishable under Sections 8, 20 & 22 of the NDPS Act.

3. As per allegation in the FIR, on the alleged date of occurrence on getting secret information about trade of narcotic substance, police team proceeded towards the place of occurrence and raided the house of accused Rahul Kumar and on seeing the police officials, he was trying to run away but he was apprehended by the police and on search 815.82 gram smack was kept in nine sachet and an amount of Rs. 86,800/-



were recovered from his house. He disclosed the name of two other accused persons, namely, Azam and Vishnu Kumar (petitioner) as supplier of the alleged smack.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has got no criminal antecedent. The name of the petitioner has been sprung up in this case by the apprehended co-accused, namely, Rahul Kumar from whose house alleged smack was recovered. He further submits that there is no meaning of the Section 22 of the NDPS Act because the alleged narcotic Substance was seized from the house of the co-accused Rahul Kumar and it was not going to be transported from one State to other State. Lastly he prayed to enlarge the petitioner on anticipatory bail.

5. Learned APP appearing for the State has opposed the prayer of anticipatory bail.

6. From perusal of the F.I.R., it transpires that nothing has been recovered from the conscious possession of this petitioner, his name has come in this case only on the confessional statement made by the main accused – Rahul Kumar before the Police. In the entire case diary except this nothing has come. Petitioner has clean antecedent as stated in



para 3 of the bail application.

7. Keeping in view the aforesaid facts and circumstances and also the clean antecedent of the petitioner, this Court is inclined to enlarge the petitioner on anticipatory bail. The petitioner is directed to surrender in the Court below within a period of four weeks from receipt/production of this order and in the event of his arrest or surrender in connection with Alamganj P.S. Case no. 359 of 2024, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge/Special Judge, NDPS, Patna subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(S. B. Pd. Singh, J)

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