

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69347 of 2025

Arising Out of PS. Case No.-148 Year-2025 Thana- KHAJANCHI HAT District- Purnia

Abujar Hussain @ Abujaar, Male, Aged about 21 years, S/o Matiur Rahman,
R/o- Telniya RAhika, P.S.- Dagarua, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vibhakar Kumar, Advocate

For the Opposite Party/s : Mr. Sucheta Yadav, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 15-11-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 8(c)/21(b) of the NDPS Act.

3. As per allegation in the FIR, co-accused Sonu Kumar's house was searched recovering 57 packets of smack and like substance tied in small plastic bags, weighing 9.660 grams including, cash tied in a black coloured polythene bag amounting to total Rs.10,000/- and a screen touch mobile of VIVO company whose IMEL No. is 861531064208475/41, 86153104208467/41 in which SIM no.7544983935 was attached. On being asked, co-accused Sonu Kumar told that he



buys smack from the petitioner at a low price for the purpose of selling.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case due to local politics. He next submits that the name of the petitioner came on the basis of confessional statement of co-accused Sonu Kumar. Petitioner has got clean antecedent. He next submits that other c-accused persons have already been granted regular bail by the learned trial Court.

5. Learned APP for the State opposes the prayer for anticipatory bail of the petitioner and submits that if the petitioner grants anticipatory bail, then the investigation will be affected and also there is recovery of smack from the possession of the petitioner.

6. In view of the aforesaid facts and circumstances of the case as well as the fact that there is a recovery of smack/brown sugar from the house of co-accused Sonu Kumar and the petitioner and he seems to be the supplier of seized smack/brown sugar and the offence is against the society and since the investigation is still pending, I am not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the prayer for anticipatory bail of the



petitioner is hereby rejected.

8. However, learned trial Court is directed to verify whether the co-accused persons have already been granted regular bail by the trial Court in similar situated accused in this case as submitted by the learned counsel for the petitioner, if so granted regular bail, then if the petitioner surrenders before the trial court within thirty days from the date of receipt of this order, the trial court shall consider the similarly situated co-accused persons who have already been granted regular bail by the court below of the present case and disposed of on the same day without being prejudiced by this order.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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