

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79643 of 2024

Arising Out of PS. Case No.-811 Year-2023 Thana- BARACHATTI District- Gaya

Pravesh Kumar, S/o Arvind Prasad @ Arvind Sao, Resident of Village- Bara,
P.S. Barachatti, District- Gaya,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 19-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Barachatty P.S. Case No. 811 of 2023 registered for the offences punishable under Sections 18, 20 and 22 of the N.D.P.S. Act.

3. The police on a secret information intercepted two persons who were coming on their respective motorcycles; however, noticing the police party, one of them succeeded in fleeing away. The apprehended co-accused, namely, Mithun Kumar, disclosed the name of the petitioner. In course of search, total 5.250 kg. opium like substance was recovered.

4. Learned counsel for the petitioner contended that the motorcycles which were seized, do not belong to the



petitioner. Save and except the disclosure made by the apprehended person, there is no material suggesting complicity of the petitioner in the crime. The disclosure made by the apprehended person is not admissible in view of the decision rendered by the Apex Court in the case of **Tofan Singh v. State of Tamil Nadu [(2021) 4 SCC 1]**, is the contention of the learned counsel for the petitioner. Moreover, the petitioner bears no criminal antecedent.

5. On the other hand, learned counsel for the State opposed the bail application and submitted that the apprehended person disclosed the name of the petitioner from whose possession, a huge quantity of opium has been recovered. There is specific bar provided under Section 37 of the NDPS Act.

6. Regard being had to the submissions made on behalf of the parties and considering the materials available on record as well as the rigors provided under Section 37 of the NDPS Act, this Court is not acceded to the prayer for anticipatory bail of the petitioner. Accordingly, his prayer is rejected.

7. However, if the petitioner surrenders before the court below, preferably within a period of four weeks from today and seeks regular bail, the same shall be considered on its



own merit(s) without being prejudiced in any manner by the
present order.

(Harish Kumar, J)

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