

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84818 of 2024

Arising Out of PS. Case No.-883 Year-2023 Thana- PURNEA SADAR District- Purnia

Sawan Das @ Pankaj Kumar, S/O Surendra Das @ Suresh Das @ Late
Surendra Das Resident of Village- Tatma Toli Shankar Chowk, P.S.- K.
Hat(Sahayak), Dist.- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad

For the Opposite Party/s : Mr. Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-02-2025 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in Special (NDPS Act)
Case No.16 of 2024 arising out of Sadar (Muffasil) P.S. Case
No.883 of 2023 registered for the offences punishable under
Sections 8(C), 21(C) and 29 of the N.D.P.S. Act and Section 78
of the J. J. Act.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of three cases, out of which, one
case is under the NDPS Act and the informant alleges that on
information, vehicle checking started and a bus was stopped,
when three accused tried to flee from the bus, but were
apprehended and they disclosed their name as Shahid Sheikh,



Amir Sheikh and Eklash Sheikh. It is next alleged that 52.5 grams of brown sugar was recovered from Shahid. Further, 100 gms of brown sugar was recovered from Amir and 100 gms of brown sugar was recovered from Eklash. It is next alleged that the apprehended accused disclosed that brown sugar was to be delivered to the petitioner. Further, Shahid disclosed that his father (petitioner) had given the smack for delivering to the petitioner.

4. The learned counsel for the petitioner submits that from perusal of the allegation as alleged in the FIR, it would manifest that petitioner was not apprehended from the spot rather his name transpired in the confessional statement of the apprehended accused. It is next submitted that since petitioner was implicated in a case relating to NDPS Case earlier, as such, the police implicated him. It is also submitted that petitioner is in custody since 09.08.2024.

5. Learned A.P.P. Sri Chandra Bhushan Prasad opposes the bail application and submits that petitioner has three antecedent, out of which, one case is under the NDPS Act and in the event, if privilege of bail is granted to the petitioner the petitioner may abscond, on which the learned counsel appearing on behalf of the petitioner submits that petitioner will not



abscond rather will cooperate in the trial to prove his innocence.

6. On query of the Court as to whether charges against the petitioner has been framed or not, on which the learned counsel appearing on behalf of the petitioner fairly submits that charges till date has not framed.

7. At this stage, the learned counsel for the petitioner seeks permission to withdraw the present bail application with liberty to renew his prayer for bail after framing of charge.

8. Permission is accorded.

9. Accordingly, instant petition is dismissed as withdrawn.

(Satyavrat Verma, J)

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