

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86245 of 2024

Arising Out of PS. Case No.-1191 Year-2023 Thana- KHAJANCHI HAT District- Purnia

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

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 10-01-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with K. Hat
(Sahayak) P.S. Case No. 1191 of 2023 dated 20.10.2023,
instituted for the offence punishable under Sections 8(c), 21(b)
of N.D.P.S. Act of the Indian Penal Code.

3. Earlier, the anticipatory bail application of the
petitioner was rejected vide order dated 15.05.2024 passed by
this Court in Criminal Miscellaneous No. 29400 of 2024 with an
observation that if the petitioner surrenders before the learned
court below within four weeks and prays for regular bail, the
same shall be considered and disposed of preferably, on the
same day, on its own merit without being prejudiced by this



order. Thereafter, petitioner surrendered before the concerned court on 09.08.2024 and since then he is in judicial custody.

4. The allegation is of recovery of 72 grams of smack (Brown Sugar) from the ancestral house of the petitioner.

5. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that petitioner has been made accused in this case on the basis of confessional statement of co-accused Md. Shadab @ Mannu. It is further submitted that the said house is dwelling house of the petitioner where other family members of petitioner also reside. Petitioner has no concern with the alleged recovered smack. It is next submitted that informant has violated the provision of Section 50 of the NDPS Act. Till dated no F.S.L. report has come on record. Lastly, it has been submitted that the petitioner is in jail since 09.08.2024 and he has one criminal case against him for the offences under Section 8(c), 21(c) of NDPS Act and Section 78 of J.J. Act.

6. Learned A.P.P. has opposed the prayer for bail of the petitioner.

7. Having considered the facts and circumstances of the case and the fact that the alleged recovery of 72 grams



smack (Brown) is from the house of the petitioner and he has one criminal antecedent of similar nature, I am not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the anticipatory bail application of the petitioner stands rejected.

(Khatim Reza, J)

Sankalp/-

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