

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84627 of 2024

Arising Out of PS. Case No.-277 Year-2024 Thana- BELDOUR District- Khagaria

1. Raushan Kumar S/o Chhedi Yadav R/o vill - Mathar, P.S. - Muffasil, Distt.- Khagaria
2. Rahul Kumar s/o Chhedi Yadav R/o vill - Mathar, P.S. - Muffasil, Distt.- Khagaria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rahul Singh, Adv.

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 10-10-2025 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Beldaur P.S Case No. 277/2024 dated 30.07.2024 registered for the offence punishable u/ss 8, 20(b)(ii) (B), 22(b) of the N.D.P.S. Act and Sections 25(1-B)(a), 25(1-AA), 26 and 35 of the Arms Act.

3. As per the prosecution case, on secret information regarding the involvement of the petitioners and the co-accused persons in selling of illegal weapons and ganja, the police party raided the place of occurrence. On seeing the police party, some persons tried to flee away but they were apprehended by police.



On interrogation, they disclosed their name as Pappu Patel and Chanchal Devi @ Nutan Devi and also disclosed the name of their associates as Banti Kumar, Aditya Kumar @ Pintu Kumar. They also disclosed that they received ganja from the petitioners and sell it in their shop. On search, 20 country made pistols, 79 live cartridges, 3 Kg. 400 gms. ganja and a mobile phone were recovered from the place of occurrence.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The name of the petitioners was disclosed by the apprehended co-accused persons. The seized contraband is less than commercial quantity. The petitioners were not apprehended from the spot. No incriminating article has been recovered from the conscious possession of the petitioners. The petitioners have no concern with the alleged recovery. The petitioner nos. 1 and 2 have one criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioners. Learned A.P.P. for the State has relied on the case of **Anarul SK Vs. The State of West Bengal (Special Leave to Appeal (Crl.) No(s). 12621 of 2024.)** in which it is stated by the Hon'ble



Supreme Court that *the grant of anticipatory bail in cases involving Narcotic Drugs and Psychotropic Substances (NDPS) is a very serious issue and it further directed the State to consider as to whether it proposes to file an application for the cancellation of bail granted to the other co-accused who has been granted anticipatory bail.*

6. Considering the aforesaid facts and circumstances of the case as well as finding substance in the contention of learned counsel for the State, I am of the view that no case for grant of anticipatory bail is made out and the same is disposed of with direction to the petitioners to surrender before the Court below concerned within six weeks from today and pray for regular bail and the learned Court below may consider the prayer for regular bail of the petitioners in accordance with law and on its own merits without being prejudiced by this order.

7. The application stands disposed of.

(Chandra Prakash Singh, J)

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