

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1366 of 2025

Arising Out of PS. Case No.-81 Year-2024 Thana- MEHSI District- East Champaran

Mohan Ray S/O Sri Shiv Pujan Ray Resident of Village- Karhan, P.S.-
Kesariya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Ranjan

For the Opposite Party/s : Mr.Mohammad Sufyan

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 25-07-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Mehsi P.S. Case No. 81 /2024 dated 09.06.2024 registered for the offence punishable u/ss 8, 21(b), 22, 24, 27(a) and 29 of the N.D.P.S. Act.

3. As per the prosecution case, total 300 Kgs. *ganja* was recovered from the truck which was being driven by the co-accused, Raj Kumar Yadav.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. As per para. 8 of the bail petition, the petitioner is the owner of the said vehicle. The petitioner was neither



apprehended on the spot nor any incriminating article was recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged recovery. The petitioner has no 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 petitioner by submitting that the said contraband is more than commercial quantity. The petitioner has no valid authorization for keeping the said contraband. Learned A.P.P. for the State has relied in 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. The petition is disposed of



and the petitioner is directed to surrender to the Court below within six weeks from the date of this order and the Court below may consider the prayer of the bail of the petitioner in accordance with law and on its own merits without being prejudice by this order.

7. This application is disposed of.

(Chandra Prakash Singh, J)

atul/-

U		T	
---	--	---	--

