

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1579 of 2025

Arising Out of PS. Case No.-651 Year-2024 Thana- SIKARPUR District- West Champaran

1. Brajesh Prasad Kushwaha @ Brayesh Kumar Kushwaha Son of Sri Mahendra Prasad Kushwaha Resident of Village - Bhiswa, P.S. - Prahari Chowki, Bhiswa, District - Parsa (Nepal)
2. Subhash Prasad Kushwaha Son of Bhikham Mahto Resident of Village - Dumdumwa, P.S. - Sathi, District - West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through the Inspector General, S.S.B., Frontier Head Quarter, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Chandra Verma, Advocate
		Mr. Sharad Kumar Verma, Advocate
For the Union of India	:	Mrs. Shail Kumari, C.G.C.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 09-05-2025 Heard Learned Counsel for the petitioners and
Learned Counsel appearing on behalf of Union of India.

2. Vide order dated 18.04.2025, the application for anticipatory bail of petitioner No.2 was dismissed as withdrawn. As such, Counsel is pressing only the bail application of petitioner No.1.

3. The present criminal miscellaneous application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'the BNSS, 2023') for grant of anticipatory bail to the petitioner No.1, who apprehends



arrest in connection with Shikarpur P.S. Case No. 651 of 2024, lodged on 16.09.2024, under Sections 8/20(b)(ii)(c)/23(c) of the N.D.P.S. Act and under Section 178 of B.N.S. Act.

4. As per the prosecution, FIR has been lodged against three named accused persons including the present petitioner. Total recovery of 1822 grams of Charas in five packets from the vehicle in addition to fake currency notes of Pakistan has been the subject matter of the present case.

5. Learned Counsel for the petitioner submits that the name of the petitioner has figured in this case by virtue of confessional statement of apprehended accused persons and recovery has been made from a vehicle, which does not belong to the petitioner. Counsel submits that the antecedent of the petitioner is clean and he has been unnecessarily been made accused in this case. Counsel submits that basically the petitioner has been made victim in this case and he is ready to fulfill all the conditions whatsoever shall be imposed on him.

6. Learned Counsel for the Union of India opposes the prayer for bail of the petitioner and submits that subject matter of recovery is 1822 grams of Charas in five packets from the vehicle in addition to fake currency notes in which notes of Pakistan was also recovered. Counsel submits that counter



affidavit has been filed in which stand has been taken that the co-accused from whose possession recovery has been made has categorically stated the name of the petitioner. Counsel submits that it is not a case of confession rather corroboration is also there.

7. In this view of the matter, this Court is not inclined to grant anticipatory bail to petitioner No.1. Hence, anticipatory bail application of petitioner No.1 is hereby rejected. However, in the event of surrender of the petitioner within four weeks from today, the prayer for regular bail shall be considered without being prejudiced by the order of this Court.

(Dr. Anshuman, J)

Mkr./-

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

