

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1382 of 2025

Arising Out of PS. Case No.-109 Year-2024 Thana- RAXAUL District- East Champaran

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Brajesh Kumar Gupta @ Saurabh Kumar Gupta @ Brajesh Kumar S/o- Late
Pramod Prasad Gupta Resident of Village - Handi Bazar, Ward No. 21, P.S. -
Raxaul, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 22-01-2025 Heard Learned Counsel for the petitioner and Learned
APP for the State.

2. The petitioner is apprehending arrest in connection
with Raxaul P.S. Case No. 109 of 2024 lodged on 02.04.2024,
for the offences punishable under Sections 21(b), 22 & 29 of the
N.D.P.S. Act.

3. As per the prosecution, FIR has been lodged against
three named accused persons including the present petitioner. As
per the allegation in the FIR, cough syrup of 100 ML of total 33
pieces and Nitravet-10 tablet of 50 pieces have been recovered.

4. Learned Counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that the N.D.P.S material present in the medicines



recovered is 10 gram which is less than the small quantity. Counsel further submits that two accused persons have been granted anticipatory bail by this Court *vide* order dated 21.09.2024 passed in Cr. Misc. No.48395 of 2024. Counsel submits that criminal antecedent of the petitioner is not clean as there is one criminal case pending against him which is also of N.D.P.S. nature.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that those accused persons who have been granted bail by this Court have no criminal antecedent, whereas, petitioner has one criminal antecedent.

6. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

7. It is directed to the petitioner to surrender before the Trial Court within a period of 4 weeks from today. In case, petitioner surrenders within four weeks, then the Trial Court is directed to pass order on his surrender-cum-bail application on the same day without being prejudice that the anticipatory bail of the petitioner has been rejected by this Court and the Trial Court shall pass order on the merit of this case considering that two accused persons have been granted anticipatory bail and



this Court has directed the petitioner to surrender only due to the
reason that his criminal antecedent is not clean.

(Dr. Anshuman, J)

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