

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29608 of 2026

Arising Out of PS. Case No.-45 Year-2025 Thana- NUAOW District- Kaimur (Bhabua)

Tuntun Nutt @ Diwan @ Ashok Kumarm aged about 25 years, Gender-Male,
S/o Idrish Nutt, R/o Vill - Teghra, P.S.- Bihian, District.- Bhojpur (Ara)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajkumar Rajesh, Advocate

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 06-05-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Section 8(c)/21(c)/27(A) of the NDPS Act.

3. As per allegation in the FIR, two FIR named accused persons were caught during routine vehicle checking who disclosed their names as Rupesh Kumar and Pramod Kumar and upon the search of the dicky of their motorcycle bearing registration no. UP 61 BT 8894, total 2.513 kg of heroin was recovered. Upon inquiry from the above two co-accused persons, who disclosed that the same recovered contraband were handed over to them by the petitioner, who asked the co-accused



persons to carry to Bihiya.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case. He next submits that the alleged heroin is said to have been recovered from other co-accused persons and not this petitioner, whose name figured on the basis of confessional statement of co-accused persons and he has not been apprehended on the spot and the petitioner has got five criminal antecedents and one of the case stands on same nature of the offence as stated in para-3 of the petition and the alleged recovery of contraband heroin is of commercial quantity.

5. Learned APP for the State opposes the prayer for anticipatory bail of this petitioner and submits that petitioner has got five criminal antecedents and one of the case pertains to the same nature of the offence as stated in para-3 of the petition.

6. On perusal of the FIR and impugned order dated 09.01.2026, it appears that petitioner is named in the FIR and whose name has been disclosed by the two co-accused persons who were apprehended on the spot and were carrying 2.513 Kg of heroin in the dicky of their motorcycle. Upon inquiry, it was revealed that the petitioner asked them to carry the said contraband to Bihiya for which they were paid Rs. 5000/-



Moreover, petitioner has got five criminal antecedent and one of the case pertains to the same nature of offence under the NDPS Act which is pending before the trial Court and several witnesses have supported the case of the prosecution, so I am not inclined to grant anticipatory bail to the petitioner.

7. Prayer for anticipatory bail of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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