

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.60249 of 2017

Arising Out of PS.Case No. -727 Year- 2017 Thana -AHIAPUR District- MUZAFFARPUR

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Deepak Kumar @ Saket, Son of Late Shyam Kishore Singh, Resident of
Village-Hasanpur, P.S. Mahnar, District-Vaishali.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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with

Criminal Miscellaneous No.1865 of 2018

Arising Out of PS.Case No. -727 Year- 2017 Thana -AHIAPUR District- MUZAFFARPUR

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Ramesh Kumar, Son of Nantun Paswan, resident of Bhagwanpur Dedhiya,
P.S.- Bochha, District- Muzafterpur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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with

Criminal Miscellaneous No.2547 of 2018

Arising Out of PS.Case No. -727 Year- 2017 Thana -AHIAPUR District- MUZAFFARPUR

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Vikash Kumar, S/o Ram Babu Singh, R/o Village- Bahuara, P.S.- Raja
Pakar, District- Vaishali.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

(In Cr.Misc. No.60249 of 2017)

For the Petitioner : Mr. Subodh Prasad, Advocate.

For the Opposite Party : Mr. Manoj Kumar – 1, A.P.P.

(In Cr.Misc. No.1865 of 2018)

For the Petitioner : Mr. Krishna Kant Singh, Advocate.

For the Opposite Party : Mr. Atul Chandra, A.P.P.

(In Cr.Misc. No.2547 of 2018)

For the Petitioner : Mr. Hari Kishore Thakur, Advocate.

For the Opposite Party : Smt. Reena Sinha, A.P.P.



5 17-02-2018 Learned counsel for the petitioner Deepak Kumar @
Saket is permitted to make necessary correction in paragraph no. 3
of the bail application i.e., Cr. Misc. No. 60249 of 2017 in light of
supplementary affidavit filed on behalf of the petitioner, in course
of day.

Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are languishing in custody since 10.09.2017 in a case for the offence registered under Sections 25(1-b)a, 25(1-AA), 25(1-AAA), 26(ii), 35 of the Arms Act, 8/20, (b(ii)(B) of N.D.P.S. Act and 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that on 09.09.2017, during checking of vehicles, the informant and others caught a vehicle on which the petitioners and other three persons were found to be sitting. On search, from possession of petitioner Deepak Kumar @ Saket, one country made pistol loaded with one live cartridge, two live cartridges and other articles were recovered. From possession of petitioner Ramesh Kumar, four live cartridges and other articles were recovered. From possession of



Vikash Kumar, one country made pistol loaded with one live cartridge and two live cartridges were recovered. On search of Scorpio vehicle, 9 liters foreign liquor and 21.3 Kg. Ganja were recovered.

It has been submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners were co-passengers on the vehicle in question. They have no concerned with the contraband recovered from the vehicle in question. As per confession of co-accused, namely, Deepak Kumar Singh @ Sonu, the contraband has been claimed to be his. From possession of petitioner Deepak Kumar @ Saket, one country made pistol loaded with one live cartridge, two live cartridges and other articles are said to have been recovered. From possession of petitioner Ramesh Kumar, four live cartridges and other articles are said to have been recovered. As far as petitioner Vikash Kumar is concerned, one country made pistol loaded with one live cartridge and two live cartridges are said to have been recovered. Except for arms, no contraband substance is alleged to have been recovered from conscious possession of the petitioners. It is alleged that 9 liters of liquor and 21.4 Kg. Ganja were recovered



from the vehicle in question. The vehicle in question does not belong to the petitioners.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R/ Complaint Case and arms are said to have been recovered from possession of the petitioners. Ganja weighing 21.3 Kg. alongwith 9 liters of liquors are also said to have been recovered from the vehicle in question. The said contraband recovered is above the commercial quantity and in light of Section 37 of N.D.P.S. Act, the petitioners are not entitled for bail. The petitioners have got criminal antecedent also.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioners in light of the fact that the contraband recovered is beyond the commercial quantity. The same is rejected in connection with Ahiyapur P.S. Case No. 727 of 2017, pending in the court of learned Special Judge, Excise Act, Muzaffarpur.

The court below is directed to take all necessary steps to expedite the trial.

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(Sudhir Singh, J)

