

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73442 of 2019

Arising Out of PS. Case No.-432 Year-2018 Thana- MAHUA District- Vaishali

CHANNA RAI @ SHRIJ MOHAN KUMAR @ CHANNA YADAV @ BRIJ
MOHAN RAI Son of Sant Lal Rai Resident of Village - Sherpur, P.S.-
Jandaha, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh

For the Opposite Party/s : Mr.Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-11-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered under
Sections 399, 402, 414 of the Indian Penal Code, 25(i-B)a, 26II,
35 of the Arms Act and 8 ©, 20(b)(1)B of the NDPS Act.

Allegedly, 4.215 kg. Ganja and fire-arms were recovered in
this case.

It has been submitted on behalf of the petitioner that there
is no allegation of tampering of witnesses alleged against the
petitioner. The petitioner is in custody since 19-08-2019. The
petitioner has been falsely implicated in the present case. No
arms or contraband substance is said to have been recovered
from the petitioner. The petitioner was also in company of the



other accused persons. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in the present case. 4.215 kg Ganja is said to have been recovered from possession of co-accused Gaur @ Gautam Kumar. Same is below the commercial quantity. Hence Section 37 of the NDPS Act is not applicable in the present case. There is no compliance of Section 42 & 50 of NDPS Act and also, there is no compliance under Section 100 of the Cr.P.C.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Vaishali at Hajipur in connection with Mahua P.S. Case No. 432 of 2018.

(Sudhir Singh, J)

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