

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27120 of 2020

Arising Out of PS. Case No.-28 Year-2020 Thana- HAZIPUR INDUSTRIAL District-
Vaishali

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ADITYA RAJ @ LAKKI Son of Abhishek Kumar Resident of Village-
Chandprua Saidabad, P.S.- Bidupur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs.Bela Singh

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-10-2020 Due to COVID-19 Pandemic, the matter is being

taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the Office, within a period
of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case instituted for the
offences under Sections 25(1-b)a, 26, 35 of the Arms Act and
20, 21, 22, 23 and 24 of the N.D.P.S. Act.

The prosecution case in short is that 5 kg ganja and



one country made pistol was recovered in this case.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 9.3.2020 and has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. Charge-sheet has been submitted in the present case. The petitioner has falsely been implicated in the present case. One country made pistol is alleged to be recovered from the possession of the petitioner and 5 kg. ganja is said to have been recovered from the co-accused. There is no compliance of Section 100 Cr.P.C. with respect to recovery of arms from the possession of the petitioner. The contraband recovered from the possession of co-accused is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act in respect of the recovery of contraband from the possession of co-accused.

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

Considering the aforesaid facts and circumstances, it is directed that 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 1st
Additional Sessions Judge -cum- Special Judge, Vaishali in
connection with Industrial Area P.S. Case No. 28/2020.

(Sudhir Singh, J)

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