

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33154 of 2020

Arising Out of PS. Case No.-419 Year-2020 Thana- HAJIPUR District- Vaishali

Karan Kumar Shrivastava @ Karan Kumar son of Shri Rajesh Kumar Shrivastava Resident of Village- Adalvadi, P.S.- Town Hajipur, District- Vaishali, At present resident of Mohalla- Krishna Vihar Colony, P.S.- Beur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur
Mr. Udbhav

For the Opposite Party/s : Mr. Anand Mohan Pd. Mehta

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 17-12-2020 Heard learned counsel for the parties.

This application for regular bail arises out of Hajipur (Town) P.S. Case No. 419 of 2020, disclosing the offence punishable under Sections 399, 402 of the Indian Penal Code and Sections 25(1-b)a, 26, 35 of the Arms Act and Sections 20, 22, 23, 24, 27, 27(a), 29 of the N.D.P.S. Act.

On receiving a secret information about suspicious activities of some of the miscreants, the police had conducted a raid. The miscreants allegedly started fleeing away and on chase four persons were apprehended, whereas one managed to escape. The petitioner was apprehended, who disclosed his name as Karan Kumar Srivastava. After they were apprehended



the police could sense smell of *charas*, whereafter following the procedure prescribed under the NDPS Act, personal search of the persons apprehended was carried out. From possession of one of the co-accused, who disclosed his name as Sonal Kumar @ Ankush @ Sher Khan, the police are said to have recovered 1.2 kg of *charas*, whereas from the petitioner's possession 300 gm of *charas* was recovered. From the possession of other co-accused persons fire-arms and live cartridges were recovered.

Mr. Ajay Kumar Thakur, learned counsel appearing on behalf of the petitioner has submitted that from the petitioner's possession only 300 gm of *charas* was recovered, which is less than the commercial quantity and at the maximum it can be said that he was in possession of the said narcotic substance for his personal consumption.

The submission advanced on behalf of the petitioner cannot be accepted for the purpose of grant of regular bail, inasmuch as, in one operation the police are said to have recovered 1.5 kg of *charas*, which is much more than the commercial quantity.

This application, in the Court's opinion, has no merit and is accordingly dismissed.

The court below is directed to take all steps for



expeditious disposal of the trial. If no charge is framed, the petitioner shall be at liberty to approach this Court for renewal of prayer for his bail after six months.

It is directed that defects in the application pointed out by the Registry must be removed within two months from today.

(Chakradhari Sharan Singh, J)

Rajesh/-

U		T	
---	--	---	--

