

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21256 of 2021

Arising Out of PS. Case No.-770 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

Prem Raj S/O Jay Prakash Kumar R/O Village Dayalpur, P.S. Rajapakar, District Vaishali. At Present R/O Ambedkar Nagar (Tenant In The House Of Kamendra Singh), P.S.-Hajipur Nagar, District-Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate
	:	Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s	:	Mr. APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-11-2021 Heard Shri Krishna Prasad Singh, learned senior counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Hajipur Town P.S. Case No. 770 of 2020 instituted for the offences under Sections 25(1-b)a and 26 of the Arms Act read with Section 8, 20(b) (ii), (B) and 22 of the N.D.P.S. Act.

Learned senior counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that the police apprehended Chandan Kumar @ Goriya and from his possession a loaded country-made pistol with one live cartridge was recovered and on interrogation he disclosed that he along with his associates, Prem Raj (petitioner) and others used to commit loot. On the disclosure of the accused



Chandan Kumar the police went to the house of the petitioner and on search from his room a loaded country-made pistol a live cartridge alongwith 3.5 Kg of ganza was recovered.

Learned senior counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and he is a student studying in second year B. Tech in Electrical Engineering at Anand Engineering College at Agra and he had come to his native home on account of lockdown when he came to be implicated in the present case and to substantiate his contention, the learned senior counsel draws the attention of the Court to the Annexure-2 to the present bail application. Further, the learned senior counsel submits that 3.5 kg of ganza is less than the commercial quantity and little more than the small quantity. Further, that mandatory provision of Sections 41 and 50 of the N.D.P.S. Act was not complied and the petitioner is in custody since 28.11.2020.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner and submits that on disclosure of Chandan Kumar, the house of the petitioner was raided from where a country made pistol and 3.5 kg ganza was recovered but the learned A.P.P. fairly submits that 3.5 kg ganza is not a commercial quantity and the punishment incorporated



under the N.D.P.S. Act is upto 10 years.

Considering the fact that the petitioner is in custody since 28.11.2020, charge-sheet has been submitted in the case and the quantity of ganza recovered is only 3.5 kg along with a country made pistol, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 770 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Satyavrat Verma, J)

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