

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26056 of 2021

Arising Out of PS. Case No.-732 Year-2020 Thana- SARAIYA District- Muzaffarpur

Lucky Kumar S/O Kanhaiya Lal Sharma R/O Village Titra, Parsa, P.S-Parsa,
District-Saran At Chapra.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Adv.

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-09-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects within three weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Sections 414, 34 of the Indian Penal Code and Sections 20/22 of the N.D.P.S. Act.

While the informant was making checking along with some police personnel, in the meantime, one Maruti car came running fast which was got stopped with help of police by making barricading and in presence of two passer byes, inquiry was made to the persons sitting inside the said car. On search,



one small plastic packet containing about 300 gm. of opium was recovered inside of full pant of the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He submits that 300 gm. of opium has been said to be recovered from the possession of the petitioner which is not the commercial quantity but it is small quantity as the commercial quantity of opium is 2.5 kg. He further submits that petitioner has no criminal antecedent as stated in para-3 of the bail application and he is languishing in judicial custody since 13.11.2020.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is rejected in connection with Saraiya P.S. Case No. 732 of 2020 pending before the court of the learned Special Judge, NDPS Act, Muzaffarpur.

However, petitioner is at liberty to renew his prayer for bail after six months.

(Anjani Kumar Sharan, J)

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