

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30306 of 2021

Arising Out of PS. Case No.-143 Year-2020 Thana- BRAHMPURA District- Muzaffarpur

Pappu Kumar @ Pappu Sahni S/o Umashakar Sahni Resident of Village-
Madhuban Kanti, P.S.- Panapur (Minapur), O.P., District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Sri Y.C. Verma, Sr.Adv.

Mrs.Priyanka Singh

For the Opposite Party/s : Mr. Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 30-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Brahampura P.S. Case No. 143 of 2020 (NDPS Case No. 49 of 2020), registered for the offence under Sections 420, 379, 467, 468, 471, 401, 402, 290, 115 of the Indian Penal Code, Sections 25(1-b)a, 26, 35, 25(1-A)AA of the Arms Act and Sections 8/20 b(ii) (B) of the N.D.P.S. Act.

As per prosecution case, one loaded country-made pistol, one live cartridge and 500 gm. of *Charas* have been recovered from the possession of the petitioner.

It is submitted on behalf of petitioner that the recovered narcotic substance is less than commercial quantity



and as such, rigors of Section 37 of the N.D.P.S. Act would not be attracted against this petitioner. Mandatory provision with regard to search and seizure has not been followed. Petitioner is in custody since 18.06.2020.

However, learned A.P.P. for the State has opposed the bail petition and submitted that in this case, huge quantity of *Charas* has been recovered from the possession of the petitioner and petitioner has also got criminal antecedent.

Considering the rival submissions of the parties and the recovery of alleged *Charas*, I am not inclined to grant bail to the petitioner and same is accordingly rejected.

However, once charge is framed and trial commences, the petitioner shall be released on bail by the learned trial court on its own satisfaction and on the condition that he will cooperate in disposal of trial and appear before the trial court, as and when required.

(Prabhat Kumar Singh, J.)

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