

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30447 of 2021

Arising Out of PS. Case No.-341 Year-2020 Thana- GAIGHAT District- Muzaffarpur

ANIL KUMAR S/o Narayan Rai Resident of Village- Ashiya, P.S.- Gaighat,
District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pradeep Kumar Sinha
For the Opposite Party/s : Mr. Khurshid Anwar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 07-12-2021 Heard Mr. Pradeep Kumar Sinha, learned counsel for
the petitioner and learned A.P.P. for the State.

Petitioner seeks regular bail in connection with
Gaighat P.S. Case No. 341 of 2020 registered for the offence
under Section 25 (1-b) a / 26 / 35 of the Arms Act and under
Section 8 / 20 / 22 of the N.D.P.S. Act.

As per the allegation made in the F.I.R. 470 grams of
Charas has been recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that
petitioner has not committed any offence in the manner alleged
and has falsely been implicated by the Police with oblique
motive. He further submits that at the time of search and seizure
procedure prescribed in Section 50 of the N.D.P.S. Act has not
been followed by the Police. He next submits that quantity of
alleged *Charas* recovered from the possession of the petitioner
is not commercial quantity and the petitioner has got no criminal
antecedent of similar nature of offence. He further submits that petitioner is



in custody since 19/10/2020, charge sheet has already been submitted and there is no likelihood that petitioner will abscond or tamper with the evidence if released on bail.

Regard being had to the submissions made by the parties and taking into consideration the materials available on record, the fact that *Charas* recovered from the possession of the petitioner is less than commercial quantity, the petitioner is in custody since 19-10-2020, charge sheet has already been submitted and further the petitioner is not having any criminal antecedent of similar nature, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge -cum- Spl. Judge, Muzaffarpur in connection with Gaighat P.S. Case No. 341 of 2020.

(Anil Kumar Sinha, J)

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