

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37287 of 2021**

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

KARAN KUMAR SRIVASTAVA @ KARAN KUMAR S/O RAJESH KUMAR SRIVASTAVA R/O VILLAGE-ADALVADI, P.S-TOWN HAJIPUR, DISTRICT-VAISHALI AT PRESENT R/O MOHALLA-KRISHNA BIHAR COLONY, P.S-BEUR, DISTRICT-PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Rina Sinha

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

6 17-11-2021 Heard learned counsel for the parties.

This application for regular bail arises out of Hajipur Town P.S. Case No. 419/2020, disclosing offences punishable under Sections 399/402 of the Indian Penal Code, 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.

The petitioner's prayer for regular bail was earlier rejected by an order dated 17.12.2020, passed in Cr. Misc. No. 33154 of 2020. By making this application, the petitioner has renewed his prayer for grant of regular bail. While rejecting the petitioner's earlier prayer for regular bail following observation was made :-



“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.”

Learned counsel for the petitioner has attempted to make out a case that in the light of observation made in the said order, whereby the petitioner was granted liberty to approach this court after six months, his prayer for bail should be favourably considered.

Be that as it may, in view of the clear provision under Section 37 of the NDPS Act and the observation made in the previous matter, I am not inclined to entertain this application, which is accordingly dismissed.

I have perused the report submitted by the court below as regards present stage of trial. It is unfortunate that till date even the charge has not been framed. The least what the Court expects that the trial is expedited by the court below considering the nature of accusation against the petitioner.

(Chakradhari Sharan Singh, J)

Rajesh/-

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